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Economic, Social and Cultural Rights in Latin America

June 1998

ICCHRLA FINAL REPORT

Presented to: John Holmes Fund

Economic, Social and Cultural Rights in Latin America

June 25, 1998

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Economic, Social and Cultural Rights in Latin America
June 1998

This is a comprehensive report on economic, social and cultural rights in Latin America prepared by the Inter-Church Committee on Human Rights in Latin America (ICCHRLA). The research is based in part on consultations with human rights organisations in Latin America and their perspectives on the state of economic, social and cultural rights and their suggestions for assistance. There are five components to the report, each of which is included in its entirety in the annexes. These components are: a questionnaire on neoliberal economic policies and social, economic, and cultural rights to which responded 10 human rights groups in Latin America; a comprehensive report on trade, investment and human rights in Latin America; two case studies on Columbia and Mexico; and a compilation of documents prepared by the ICCHRLA for the Santiago Summit and the parallel Popular Summit.

The highlights of the questionnaire responses include consensus among respondents that the increase in neoliberal economic policies have resulted in an increase in the violations of social, economic and cutlural rights in Latin American countries, such as basic labour rights and that these violations could be addressed through an application of codes of conduct, social clauses, protection of human rights in trade agreements as well as national legislation.

The report on trade, investment and human rights in Latin America examines how neoliberal economic policies (stabilisation programmes, structural adjustment programs, privatisation) are affecting the economic, social and cultural rights of the peoples of Latin America. Some of these effects include reductions in social spending, deterioration of quality of life, erosion of labour rights through pressures to downsize and sub-contract and through unhealthy and inhuman working conditions, ecological impacts, the erosion of democracy and sovereignty, the concentration of wealth and increasing violence and social unrest. These effects are the result of neoliberal economic policies driven by the World Bank, the IMF, the OAS as well as by NAFTA, the Canada-Chile Free Trade Agreement, Foreign Investment Protection Agreements, and Mercosur. Focus is placed on Canada's promotion of trade and business in Latin America at the expense of human rights. It also outlines comprehensive policy options and strategies to address the situation (a select few are listed below).

Policy Recommendations:
- Canada should incorporate human rights considerations in its promotion of trade and investment as well as into its trade and investment policies and law, specifically:
  - condition government benefits to businesses based on their human rights record;
  - provide businesses with information on the human rights conditions of targetted countries and with guidelines for protecing human rights;
  - publicly address human rights on all trade-related missions
  - reward good business practices and penalise bad practices, such as that which contributes to the violation of human rights;
  - exhort Canadian companies to adhere to corporate codes of conducts;
  - appoint an independent team to monitor Canadian companies operating in countries with poor human rights records.

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  b) Press Release: ICCHRLA calls on Heads of State at Summit for Enforceable Human Rights Guarantees in any Trade Agreement
  c) Press Release: Is trade trumping human rights? Canadian human rights groups criticize lost opportunity to defend human rights in Mexico.
  d) People's Alternative Summit Final Declaration: Human Rights Forum
  e) Statement of the Inter-Church Committee on Human Rights in Latin America on the occasion of the Summit of the Americas and the parallel Popular Summit.

JOHN HOLMES FUND
ICCHRLA FINAL REPORT

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1. Project Description:

ICCHRLA, through the assistance of the Human Rights Internet and the John Holmes Fund undertook research in September 1997 related to economic, social and cultural rights in Latin America. Pam Friedman, a youth intern, was contracted for eight months to coordinate this project.

A special internal advisory committee was drawn from the ICCHRLA board to guide the work of the project over the proceeding eight months. (See advisory Group Listing in Annex A). Based on discussions with the advisory committee and partner organizations in Latin America an investigative research plan was developed.

The project consisted of investigative research (which involved consultation with human rights partners, church workers, activists, academics and government officials), as well as a case study (on Mexico) and visits to the region (Colombia and Chile). In an effort to provide some cohesion to the complex issues the ICCHRLA advisory committee narrowed the research to include the:

- collection of information from Latin American partners to gauge their perspectives on the question of economic, social and cultural rights;
- development of a comprehensive theoretical framework for the research including policy options and advocacy tools;
- elaboration of specific case studies;
- and an action outline built into a larger social movement.

Each section of the research has culminated in the production of the following documents:

- Questionnaire to Partner organizations regarding Neoliberal Economic Policies and Social, Economic and Cultural Rights;
- Special Report on Trade, Investment and Human Rights in Latin America;
- Investigation of Labour Rights in Colombia;
- Economic, Social and Cultural Rights in Neoliberal Mexico;
- Documents related to Participation in the Summit of the America's in Santiago, Chile.

1.1. Questionnaire on Neoliberal Economic Policies and Social, Economic and Cultural Rights

As a preliminary step, human rights partner organizations in Latin America were contacted to assess their perspectives on the state of economic, social and cultural rights and to suggest areas where ICCHRLA and Canada may be of assistance. These responses and results were tabulated and summarized into the Special Report on Trade, Investment and Human Rights in Latin America (see below). Questionnaire results (Annex B) were translated into Spanish and sent to all of the respondents in Latin America.

1.2. Special Report on Trade, Investment and Human Rights in Latin America.

General investigative research on trade and human rights was gathered to provide a theoretical framework for the research. This culminated in the document entitled "Trade, Investment and Human Rights in Latin America", (please see Annex C). This piece was based on published material as well as telephone and in-person conversations with human rights workers, government officials, business people, activists and academics. It also included the input of Latin American human rights organizations, based on in-person meetings and on responses to questionnaires. This is a comprehensive document which addresses the current issues and debates on the topic of trade and human rights. It has served to inform ICCHRLA's board about these concerns and to jump-start our organization's work on how to most effectively begin to address economic, social and cultural rights violations related to trade and investment. The study outlines a wide-breadth of **policy options and strategies** to address economic, social and cultural rights.

1.3. Case Study: Colombia:

The link between economic rights and political and civil violations is most explicitly expressed by the situation of trade unionists in Colombia. In an effort to concretize the theoretical research and to illustrate the case of economic, social and cultural rights in Colombia, ICCHRLA organized a delegation of trade unionists to investigate the situation and bring back foreign policy recommendations for the Canadian government and solidarity actions for the trade union movement. (Please see the report by the trade union delegation "'A Life Threatening Activity': Trade Unionism Under Attack in Colombia." in Annex D).

The human rights situation in Colombia is one of the most serious in the Americas: Since 1988, Colombian human rights organisations have registered an average of 3000-4000 political assassinations and/or forced disappearances each year. This figure represents more political killings or disappearances each year than the entire number registered during the Pinochet dictatorship in Chile.

One of the sectors hardest hit by repression are trade unionists. According to a recent report by the International Confederation of Free Trade Unions (ICFTU), more than 1,800 Colombian trade unionists have been murdered in the past decade. This means an average of one trade unionist is murdered every two days. A number of other union leaders -- in particular, those who have been most active in challenging the government's neo-liberal economic reforms and the privatisation of dozens of the country's state-run companies -- have also been brought before "faceless" judges on charges of terrorism. Many others have become internal refugees after having received death threats by paramilitary death squads. Those who remain do so at great personal cost and risk.

In the midst of this human rights nightmare, the international community -- including until recently, the Canadian government -- has remained largely silent with regards to Colombia's human rights record. In contrast to the general awareness among Canadians of the situation in Central America, most Canadians know little or nothing about Colombia. At the same time, bilateral trade between Canada and Colombia has been expanding. Today, Colombia is Canada's fifth largest trading partner in the Americas. Some of the Canadian companies presently in Colombia are Bell Canada International, TransCanada Pipelines, InterProvincial Pipelines, Northern Telecom, Bell Textron Helicopters, Bombardier and McCain Foods.

Recommendations following the trade union delegation include:

- Exchanges between trade unions in Canada and Colombia;
- Support to Colombian refugees from the Canadian trade unions;
- Researching Canadian connections to the conflict in Colombia;
- Initiating a "Clean Flowers" Fair Trade campaign;
- Strengthening the women's section of the national trade unions' congress;
- Supporting indigenous and Afro-Colombian communities;
- Supporting peace initiatives;
- Providing sectoral solidarity.

1.4. *Case Study: Mexico*

Mexico is an important and integral economic partner for Canada. The North American Free Trade Agreement (NAFTA) has facilitated and encouraged greater exchanges of expertise, and closer cultural and social ties, in addition to the liberalised economic relationship. However, the economic situation in the country for the vast majority of Mexicans has worsened. The peso crisis in December 1994 illuminated the precarious financial condition of the country. Reductions in basic food subsidies have resulted in increasing social protest, which has been met with repressive police and military actions. In the case of a protest by middle-income farmers in Chiapas over the market price of corn, protesters were killed, injured and arrested by police and soldiers. These kinds of situations indicate the continued precarious nature of political and civil rights and their links to economic, social and cultural conditions.

The research paper: "Economic, Social and Cultural Rights in a Neoliberal Mexico" was written to express the lived reality of this situation, the effects of the neoliberal model and the abuses of the model on economic, social and cultural rights. (Please see Annex E)

1.5. *Economic, Social and Cultural Rights in the Americas.*

The final phase of the research which ICCHRLA undertook related to economic, social and cultural rights culminated in our participation at the Santiago Summit (both the official and the People's Summit). The Santiago Summit, or Summit of the Americas took place in Santiago, Chile on April 19-20th. The official Summit, which brought together all of the leaders of the countries of the Americas (except Cuban President Fidel Castro) to discuss policies and programmes for the establishment of agreements related to free trade for the hemisphere. ICCHRLA joined with dozens of other Canadian church, human rights, labour, anti-poverty, women's, development and environment organizations, as well as hundreds of similar organizations of civil society from countries throughout the Americas who are forging a broad hemispheric social alliance to call for an Alternative People's Agenda. Participation at the People's Summit afforded us the opportunity to forge new links of solidarity with groups which are working on the issues of economic, social and cultural rights.

Through our participation, ICCHRLA hoped to participate in the development of a broad hemispheric social alliance which would call on the various governments to respect economic, social and cultural rights in all of their trade agreements.

The previous research compiled for this project on economic, social and cultural rights in Latin America was instrumental in facilitating debate and discussion by the ICCHRLA board regarding a selection of policy options available to us leading up to the Summit. (Please see Annex F for a listing of documents of ICCHRLA discussions and statements regarding the Santiago Summit.)

Also enclosed is the final document from the People's Summit of the America's Human Rights Forum. ICCHRLA was an active participant in this forum and played a role in shaping the final document. This document is currently only available in Spanish.

1.6. Limitations of the Research:

ICCHRLA was unable to develop a case-study on the situation of El Salvador regarding economic, social and cultural rights due to unforeseen complications regarding the availability of the youth intern. However, the opportunity to participate in the Santiago Summit to network with Latin American organizations who are working on these issues was determined by the Advisory Committee to be an equally effective mechanism to meet the goals of the research plan. Participation in this event has enabled ICCHRLA to concretize its theoretical research with active involvement in the area of economic, social and cultural rights.

2. Foreign Policy Options

Each of the specific areas of research which were undertaken either highlights or illustrates perspectives and possible policy options for ICCHRLA to consider. A comprehensive listing of the policy options may be found in the Special Report on Trade, Investment and Human Rights in Latin America. This research has allowed ICCHRLA to undertake a comprehensive examination of policy tools and advocacy strategies we may wish to consider regarding economic, social and cultural rights.

3. Results Of Research

Given the varied perspectives and implications of the research, this research project has enabled ICCHRLA and its members to begin to:

- discuss and consider the particular perspectives of partner organizations in Latin America and their views on economic, social and cultural rights;

- develop a map of the perspectives, options and possibilities for addressing the state of economic, social and cultural rights in Latin America;
- link economic, social and cultural rights violations in Mexico to the neoliberal economic model;
- clearly illustrate the state of labour rights in Colombia
- join with partner organizations in the South and North in the development of a Alternative People's Agenda which outlines how economic, social and cultural rights can be protected and promoted in Latin America.

4. Financial Report

ICCHRLA POLICY DEVELOPMENT FINANCIAL STATEMENT

Item:	Received from John Holmes Fund	In-Kind (ICCHRLA)	External Financing
Youth Intern ($2000/month)	$4,000.00		$12,000.00[c]
Travel to region			
- Colombia	$2,000.00[a]		
- Santiago	$4,000.00[b]	$ 786.95	
Advisory Cttee consultations		$2,000.00	
Materials and resources		$2,000.00	
Office		$1,109.31	
Phone/fax		$2,063.00	
Report Production		$2,000.00	
Report Dissemination		$ 650.00	
TOTAL	$10,000.00	$10,609.26	$12,000.00

Project total: $32,609.26

Notes:

[a] Please see Colombia Trade Union delegation budget

[b] Please see Santiago Summit travel budget

[c] Denotes funding from CIDA Youth Internship Programme administered through the Human Rights Internet

a. ICCHRLA UNION DELEGATION TO COLOMBIA

		Budget	Actual
Revenue:			
	Canadian Autoworkers	$ 10,000.00	$ 7,600.00
	Ontario English Teachers Assoc.	$ 7,600.00	$ 6,530.00
	Development and Peace	$ 3,500.00	$ 3,467.35
	United Church Observor	$ 3,800.00	$ 3,200.00
	Canadian Labour Congress	$ 3,800.00	$ 2,606.30
	John Holmes Fund	$ 2,000.00	$ 2,000.00
	Participant contributions:	$ 30,700.00	$ 25,403.6
Expenses:			
	Flight	$ 10,000.00	$ 8,646.40
	Insurance	$ 500.00	$ 252.72
	Internal flights	$ 2,800.00	$ 3,269.79
	Accommodation	$ 5,500.00	$ 3,850.71
	Meals	$ 2,500.00	$ 1,096.98
	Exit tax	$ 400.00	
	Internal transportation	$ 1,400.00	$ 1,237.73
	Logistical arrangements	$ 1,500.00	$ 1,762.00
	Interpretation	$ 2,750.00	$ 2,961.00
	Miscellaneous	$ 1,200.00	$ 1,095.67
	Follow-up	$ 1,000.00	$ 1,404.97
	TOTAL	$29,550.00	$25,557.97

b. SANTIAGO SUMMIT TRAVEL

Revenue:

	John Holmes Fund	$ 4,000.00
	ICCHRLA	$ 786.95
	TOTAL	$ 4,786.95

Expenses:

	Accommodation/Meals:	$ 1,412.37
	Transportation:	$ 3,099.43
	Miscellaneous	$ 275.15
	TOTAL	$ 4,786.95

ANNEX A:

List of ICCHRLA Advisory Committee Members

List of ICCHRLA Advisory Committee Members

Eleanor Douglas	Latin America Programme Officer - Primate World Relief and Development Fund - Anglican Church of Canada
Mark Hathaway	Justice and Peace Office - Scarboro Foreign Mission
Fr. Richard Soo	Jesuits of Upper Canada
Joe Gunn	Social Affairs Office - Canadian Conference of Catholic Bishops

ANNEX B:

Questionnaire on Neoliberal Economic Policies and Social, Economic and Cultural Rights

Questionnaire Responses on Neoliberal Economic Policies and Social. Economic and Cultural Rights

What follows are the results of a questionnaire on the relationship between neoliberal economic policies and social, economic and cultural rights. Questionnaires were sent out to Latin American human rights organizations in the fall of 1997 and early 1998. They sought to determine the perspectives of partner organizations on neoliberal economic policies and on how to address any negative impacts (with respect to social, economic and cultural rights) which may have resulted from them. Additionally, the questionnaire sought to determine what partners believe ICCHRLA's role should be in working to address these rights violations resulting from neoliberal economic policies in general, or from Canadian trade and investment in particular.

Ten (10) questionnaire responses were received, representing approximately 45% of those sent. The questionnaire responses were from Argentina, Brazil, Chile, Colombia, El Salvador and Mexico (please see list of questionnaire respondents below). The responses were collected both in writing and from informal interviews.

What follows is a summary of the responses, as well as the ICCHRLA work plan devised to address social, economic and cultural rights violations resulting from neoliberal economic policies, based in large part on these responses.

QUESTIONNAIRE RESPONDENTS:

- ANTA: National Association of Farm Workers (Asociación Nacional de Trabajadores Agropecuarios), El Salvador
- APRODEH: Association for Human Rights (Asociación Pro- Derechos Humanos), Peru
- CMDPDH: Mexican Comission for the Protection and Promotion of Human Rights (Comisión Mexicana de la Defensa y Promoción de los Derechos Humanos), Mexico
- CODEPU: Committee on the Protection of Human Rights for the People (Comité de Defensa de los Derechos del Pueblo), Chile
- Equipo Pueblo, Mexico
- FASIC: Foundation of Christian Churches for Social Support (Fundación de Ayuda Social de las Iglesias Cristianas, Chile
- Common Frontiers (Fronteras Comunes), Mexico
- MEDH: Ecumenical Movement on Human Rights (Movimiento Ecumenico por los Derechos Humanos), Argentina
- IPC: Popular Institute on Education (Instituto Popular de Capacitación), Colombia
- MST: Movimiento Sem Terra (Landless Movement), Brazil

Opinions on Neoliberal Economic Policies/ Trade Liberalization

- There is unanimous consent among respondents that the increase in neoliberal economic policies have resulted in an increase in the violations of social, economic and cultural rights in Latin American countries More specifically, respondents noted:

⇒ an increase in marginalization
⇒ increased inequality in the distribution of wealth
⇒ a decline in social services
⇒ the destruction of indigenous culture
⇒ an increase in the violations of basic labour rights
⇒ an increase in environmental destruction
⇒ a decrease in national employment
⇒ increased violence
⇒ an increase in displaced people
⇒ erosion of democracy (as businesses enjoy economic and political control while popular sectors and social movements are left with no voice).

- ***Please see Annex 1 for a detailed list of which organizations expressed which opinions***

- It was, however, mentioned that in Argentina, people are enduring the hardships brought about by the current economic model (deregulating trade) because they fear hyperinflation even more. Additionally, Argentineans have been indoctrinated to believe that foreign trade and investment are necessary to bring about national development and well- being.

- Opinions vary substantially with respect to the degree of change necessary for economic development to protect social, economic and cultural rights; While some feel that only minor adjustments to the current economic policies are needed to protect social, economic and cultural rights, others feel that fundamental changes are required to ensure these rights.

- ***Please see Annex 2 for a detailed list of which strategies are being advocated by which organizations***

Opinions on strategies needed to address the negative impacts of neoliberal economic policies/ trade liberalization

Please see Annex 3 for a detailed list on which organization is advocating which strategy

- Codes of conduct could be very useful, if they incorporate not only regulations that protect businesses and governments, but workers and local communities as well.

- For now, social clauses are necessary as a first step towards ensuring that human rights (including social, economic and cultural rights) are respected within trade agreements.

- Governments should promote the fulfilment of human rights agreements and treaties within their own countries as well as in the countries in which their national companies invest.

- Governments must improve the national legislation to better protect human rights, "core" labour rights, the environment, and indigenous rights. Governments must also fight to stop corruption that now exists between investors/ business and environmental inspectors/ consultants, which render current legislation unenforceable.

- The creation of a new international instrument, applicable to bilateral or multilateral trade agreements is needed, that can oversee the protection of human rights within the signator member countries.

- The United Nations should have a role in controlling the movement of global capital to ensure that it fosters sustainable development.

- Foreign trade and investment should be promoted for economic national development, but should be conditioned in order to ensure the respect of social, economic and cultural rights. Some ideas put forward on how trade and investment should be conditioned include:

⇒ Foreign trade and investment should be required to follow basic human rights laws of the country in which they are investing;

⇒ Social clauses should be established in all foreign investment projects in order to ensure the respect of social, economic and cultural rights of the people within the country receiving investment;

⇒ Trade and investment agreements should include, as a strict condition, the respect of prevailing labour laws and of labour contracts which must be mandatory in all kinds of jobs, and should include salary specifications (to ensure a living wage to all), tasks, schedules, and a working day of 8 hours;

⇒ Foreign investment should guarantee a balance between business/ corporate profits and reinvestment in the communities in which they are located;

⇒ Foreign trade and investment should be channelled into productive sectors only, not speculative ones.

ICCHRLA's Work Plan:
How ICCHRLA will incorporate some suggested strategies into its work plan

I. Suggestions:

- ✓ Give follow up and diffuse information on the hemispheric integration process
- ✓ Demand the inclusion of a social agenda in trade/ investment agreements all relevant foras
- ✓ Fight for the establishment of a social clause within trade agreements to protect human rights, labour rights, indigenous people and the environment
- ✓ In consultation with partners, create a Latin American agenda on human rights and plan for hemispheric action
- ✓ Promote discussion with governments and social and civil organizations to confront the inequalities that are resulting from current trade agreements

I. Action Plan:

From April 15- 18, 1998, ICCHRLA participated in the People's Summit of the Americas in Santiago, Chile, a parallel summit to the official II Leaders' Summit to advance the Free Trade Area of the Americas (FTAA). Essentially, the People's Summit seeks to advance an alternative to the official FTAA agenda, and articulate a platform and an action plan for a more sustainable, democratic and just path for development and hemispheric integration. The People's Summit is in reaction to the inequalities which have so far resulted from freer trade and proactive in working to ensure that the inequalities that result from trade liberalization and neoliberal economic policies in general, are properly addressed and reconciled.

In preparation for the Summit, ICCHRLA participated in meetings with various Canadian organizations (including representatives of human rights, church, labour, environment and anti- poverty groups) to develop a common Canadian stance and appropriate strategies to present at the Summit in Santiago. As a Canadian organization, ICCHRLA has been trying to answer the questions: "What is our strategy with respect to the Canadian government and to the press?"; "What are our demands?"; "What do we want to get out of Santiago?"; "What is our long- term strategy with regards to the FTAA process and the corporate-driven agenda in general, once the Summit is over?".

As a long- term strategy, ICCHRLA hopes to contribute to the development and adoption of an alternative economic model which would foster-- not undermine-- social, economic and cultural rights, in order to secure real sustainable development for the people of the Americas. In the short- term, ICCHRLA hopes to make smaller, more specific demands to the FTAA, which may include pushing for the adoption of a social clause/ social charter/ code of conduct/ etc., depending on the messages we receive from partners and from fellow Church organizations in Canada which are better experts on the subject.

ICCHRLA views the People's Summit not only as a strategy to confront the FTAA, but as a strategy to confront a broader, corporate- driven agenda of trade liberalization and neoliberal economic policies at large. For us, the Summit represents the start of a hemispheric social movement, and the start of our long- term work on addressing social, economic and cultural rights in Latin America.

The Summit has provided ICCHRLA with an opportunity to create new links and strengthen old ones with Canadian and Latin American organizations to share knowledge, experience and ideas, and to consolidate efforts to affect the economic integration process. The Summit has also enabled us to establish new partnerships with Latin American organizations working on social, economic and cultural rights, while keeping existing partners who were unable to participate in the People's Summit, up-dated on the process and related news.

II. Suggestion:

- ✓ Communication/ exchange of information and denunciation of violations of social, economic and cultural rights resulting from neoliberal economic policies

II. Action Plan:

One of ICCHRLA's roles has always been the diffusion of information and analysis of the human rights situation in Latin America to the Canadian churches, the Canadian government, the Canadian public and international organizations, such as the United Nations. ICCHRLA would now like to devote more of its time and resources to social, economic and cultural rights violations, and not solely to civil and political ones. In addition to the People's Summit in Santiago, (where one of ICCHRLA's primary foci was on exchanging information on social, economic and cultural rights violations and where denunciations were made to government and the international press), we would also like to exchange information more with Latin American non- governmental organizations (NGOs) concerning these violations, especially in cases where Canadian companies are involved.

As well, ICCHRLA staff are planning trips to Brazil, Colombia, Peru and Mexico within the coming year, at which point information exchanges on work related to social, economic and cultural rights will be advanced. ICCHRLA is also part of an urgent action network, where we respond and denounce to the violations of rights (including social, economic and cultural rights violations) in Latin America.

III. Suggestions:

- ✓ Pressure international organizations and multilateral banks (such as the World Bank and International Monetary Fund- IMF) to modify their policies and support to governments, and to develop new strategies that generate a greater respect for social, economic and cultural rights
- ✓ Pressure the Canadian government to change their policies with respect to foreign investment in developing countries

III. Action Plan:

Recently ICCHRLA has become a member of the Halifax Initiative, a Canadian coalition that lobbies the Canadian government and multilateral institutions to change the policies of international financial institutions, like the World Bank and the IMF. The Halifax Initiative works on issues of multilateral debt in developing countries, structural adjustment programs, and the movement of international (speculative) capital that leaves people and governments without the ability to decide their own future.

In addition, ICCHRLA is participating in the Jubilee 2000 Campaign, an international ecumenical initiative to proclaim the biblical tradition of Jubilee for a "new beginning" for the year 2000. The three- year initiative focuses on 3 themes: (1) freedom from slavery; (2) redistribution of wealth; and (3) the renewal of the earth. As such, the campaign calls for the forgiveness of multilateral debt (for the most highly- indebted countries), the advancement of labour rights, the fostering of social justice and equality, and the protection of the environment. The Jubilee represents an alternative social vision that invites governments and decision- makers to make positive changes in society, by establishing justice and equality, and protecting and nurturing the earth. ICCHRLA is one of more than 22 organizations in Canada that are participating in this initiative. The campaign will include the creation of educational material and action projects for our constituency and beyond.

IV. Suggestion:

- ✓ Inform the Canadian public about the tragic social, political and economic problems transpiring in Latin America

IV. Action Plan:

In addition to our work related to the People's Summit and to the Jubilee Initiative, ICCHRLA intends to produce a report of a case study of a Canadian company with operations in Colombia, which will illustrate the negative impacts associated with freer trade and the current economic system, as well as Canada's complicity in the human rights violations occurring in Colombia. With such a report, ICCHRLA hopes to educate and pressure the Canadian government (and Canadian businesses) to implement positive changes.

ICCHRLA also created a documentary video entitled "Peace, what peace?: Confronting Central America's New Economic War". The video, which delineates the political economic situation in Central America and the related violations of social and economic rights, aired twice on national television and has so far been distributed to over 250 individuals, organizations and institutions. ICCHRLA continues to receive requests for purchases of the video, and is awaiting funding to have it translated into Spanish.

[illegible]

Opinions on neoliberal economic policies/ trade liberalization

All respondents felt that neoliberal economic policies have resulted in an increase of social, economic and cultural violations. The following list reflects more specific opinions expressed by various participants concerning the natu rights violations:

Negative impacts of the current model	Positive impacts of the current model
An increase in poverty and inequality, and social/ economic marginalization - *MEDH* - *APRODEH* - *IPC* - *CODEPU* - *Fronteras Comunes* - *FASIC* - *MST* - *CMDPDH* - *ANTA*	**Hyperinflaction is under control** - *MEDH*: **because Latin Americans fear hyperinflation more than the hardship they currently face, they are enduring the current model** (also, the idea that protectionism favours national production of low quality and low productivity seems to be indoctrinated within the Argentinian people, so they fail to recognize the weaknesses and problems created by the economic system).
A decline in the fulfilment of basic rights, such as the rights to education, health and other services that used to be public - *FASIC* - *MEDH* - *APRODEH* - *CODEPU* - *MST*	
An increase in the violation of cultural rights, including the destruction of indigenous ways of life - *Fronteras Comunes* - *CODEPU*	
An increase in the violation of basic labour rights - *FASIC* - *CODEPU* - *MEDH* - *Equipo Pueblo*	
An increase in environmental destruction/ negligence - *CODEPU* - *Equipo Pueblo*	
The erosion of democracy (as political and economic power rests with businesses, while popular sectors and social movements are left powerless). - *FASIC* - *MST* - *ANTA*	
National production and employment has been harmed - *APRODEH* - *Equipo Pueblo* - *IPC* - *Fronteras Comunes* - *FASIC* - *MEDH* - *ANTA*	
An increase in the number of displaced people - *APRODEH* - *IPC* - *MST* - *CMDPDH*	

• *MEDH* • *IPC* • *APRODEH* • *MST* • *CMDPDH*	

ANNEX 2

Strategies articulated by participants on how to deal with the negative impacts of neoliberal economic policies/ trade liberalization

SMALL changes needed	DEEPER changes needed	FUNDAMENTAL changes needed
ade and investment are not inherently bad, but the oblem is how they are pursued and by whom. The equalities produced by the current system must be operly addressed. In other words, human rights, the vironment and small and medium- sized businesses must protected. *Fronteras Comunes* *Equipo Pueblo* *CODEPU* *MEDH*	The movement of capital must promote sustainable development and as well as productive sectors, and not speculative ones. For example, a tax on the transaction of speculative capital (like the Tobin tax) should be implemented, or other kinds of capital restrictions should be applied to the movement of foreign investment . • *Fronteras Comunes* • *MEDH* • *IPC* • *ANTA*	Latin America needs strong states that are capable of forging regional alliances to negotiate better conditions in trade agreements, and that can derive a social order and unique development model based on peace within each country, in joint consultation with large businesses and multinationals, and civil society and diverse organizations. • *IPC*
l trade and investment agreements must, as a minimum, ntain social clauses. *CODEPU*: (this should be an initial demand, for the time being) *FASIC*	Side agreements or social clauses attached to trade agreements are not enough: social agendas must be included within the body of trade agreements, so that the principles and guarantees of the social agenda are not undermined by the agreement itself. • *Fronteras Comunes*	Social politics should be based on a strategy of redistribution of wealth and quality employment, which should be the goals within any kind of trade deals. The control of our wealth, including natural resources and biodiversity, must not be expropriated via trade deals but must be negotiated using a healthy criteria of social equity and social economics. • *IPC* • *ANTA* • *MST*
ternational instruments to protect human rights must be engthened. *APRODEH*	New international instruments must be created to oversee and protect human rights within bilateral or multilateral trade agreements. • *CODEPU*	The ideal would be an egalitarian economic system developed by the United Nations, not the IMF which discriminates in its voting system and stacks power against the majority. • *MEDH*
des of conduct for foreign companies operating in Latin erican countries would be very useful. *CODEPU* *Equipo Pueblo* *FASIC* *MEDH*	Trade and investment should be conditioned on the respect of international human rights laws in the country in which a company wished to invest (the respect of basic human rights should be a condtion in trade agreements such as NAFTA). • *Equipo Pueblo* • *CODEPU* • *CMDPDH*	
	Foreign capital that enters a country (in the form of trade or investment) should be required to: • *ANTA*: respect the human rights of the workers and promote national development in that particular country (and not destroy small national) • *FASIC*: respect international human rights laws • *Equipo Pueblo*: contibute to the promotion of human rights, labour rights, sustainable development, the environment, productive sectors, and small and medium-sized businesses.	

Suggestions from Partners on ICCHRLA's Potential Role in Confronting Rights Violations Related to Neoliberal Economic Policies

The suggestions marked with a ✓ are roles which ICCHRLA plans to pursue

Information/ Education	Support	Lobby
✓ Comunication/ exchange of nformation and denunciation of iolations of social, economic, and ultural rights violations resulting from eoliberal economic policies • *IPC* • *FASIC*: ...this communication/ exchange should occur particularly with government and businesses	Support local projects that empower communities so that the violation of social, economic and cultural rights will be limited. Support also local research, documentation and concrete action projects related to social, economic and cultural rights violations • *IPC* • *APRODEH*	✓ Fight for the establishment of a social clause within trade agreements to protect human rights, labour rights, indigenous people and the environment.. • *Fronteras comunes* • *CODEPU*
✓ Promote discussion with government nd social / civil organizations to onfront the inequalities resulting from urrent trade agreements. • *FASIC*	Support the creation of urgent action networks of communication and denouncements. • *CODEPU*	✓ Demand (in all relevant fora) the inclusion of a social agenda in all trade/ investment agreements. • *Fronteras Comunes*
ducate Canadians on the inter-ependency between 'our' well- being nd 'theirs', and that international olidarity, with targetted strategies, are rucial to stop the movement of capital hat leaves people and governments of atin America without the ability to ecide their own future. *Equipo Pueblo*		✓ Pressure the Canadian government to change their policies with respect to foreign investment in developing countries. • *APRODEH*
✓ Inform the Canadians about the tragic ocial, political and economic problems ranspiring in Latin America. *Equipo Pueblo*		✓ Pressure international organizations and multilateral banks (WB, IMF) to modify their policies and support to governments, and to develop new strategies that generate a greater respect for human rights. • *APRODEH*
reate and widely distribute didactic aterial on individual, collective and ocial rights, and on the international reaties and covenants which exist to rotect these rights. *CODEPU*		✓ In consultation with partners, create a Latin American agenda on human rights and a plan for hemispheric action. • *CODEPU*
nform our communities about their ocial, economic and cultural rights, and n howforeign investment negatively npacts these rights. *CODEPU*		

ANNEX C:

Special Report on Trade, Investment and Human Rights in Latin America

SPECIAL REPORT

TRADE, INVESTMENT & HUMAN RIGHTS IN LATIN AMERICA

by Pamela Friedman

Prepared for the Inter-Church Committee on
Human Rights in Latin America

with the assistance of the
Human Rights Internet and the John Holmes Fund

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The Inter-Church Committee on Human Rights in Latin America

The mission of the Inter-Church Committee on Human Rights in Latin America (ICCHRLA) is to promote human rights and social justice throughout Mexico, Central and South America, in solidarity with both Canadian and Latin American partner churches, human rights groups and grassroots organizations. This mission arises from a profound belief, as Christians, that the Gospel calls us to struggle together with the poor and the oppressed to transform policies, practices and regimes which undermine or destroy human lives.

ICCHRLA maintains close relations with churches, human rights bodies and other representative groupings in those Latin American countries given priority by member churches on the basis of human rights concerns and Canadian Church relationships. Through regular on-site visits and the careful monitoring of reports and documentation, ICCHRLA continually assesses the human rights situation in these countries. It responds to requests for action in crisis situations, but attempts also to work on the underlying causes of human rights violations. ICCHRLA shares its information, analysis and policy recommendations with its own church constituencies, with the Canadian government and the public at large, and with appropriate international human rights bodies.

Members of ICCHRLA include:

Anglican Church of Canada
Canadian Council of Churches
Canadian Conference of Catholic Bishops
Canadian Catholic Organization for Development and Peace
Canadian Jesuits (Upper Canada)
Canadian Religious Conference (Ontario)
Congregation of Notre Dame
Council of Christian Reformed Churches
Evangelical Lutheran Church in Canada
Oblate Conference of Canada
Presbyterian Church in Canada
Religious Society of Friends (Quakers)
Scarboro Foreign Mission Society
School Sisters of Notre Dame
Sisters of St. Joseph (Hamilton, Toronto, Peterborough and Sault Ste. Marie)
Sisters of Providence of St. Vincent de Paul
Ursulines of Chatham Union
United Church of Canada

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Introduction

The term "neoliberal economics" is used to describe the current dominant economic theory utilized by countries in the North, and increasingly implemented by those in the South. Neoliberal economic theory focuses on macro-economics variables, such as growth and inflation, with little consideration to income distribution, job security, quality of life, or the health of ecosystems (CDE 1997, 13).

The most basic principles underlying the neoliberal economic model are free markets, free trade, and the free flow of investments where national economies operate by the forces of supply and demand with minimal or no government restraints. As such, neoliberalism requires the market pricing of public goods (which are usually controlled by international oligopolies), privatization as a means of expanding business for the corporate sector, anti-inflationary central bank policies, and reductions in social programmes and spending (ALARM 1996, 5; Bassett and Wirsig 1997). The basic belief underlying neoliberalism is that "the market" consistently allocates resources and promotes economic "growth" more efficiently than governments or communities.

Neoliberal economics maintains that it is to the economic advantage of all nations to engage in international free trade, even if some countries have no absolute economic advantage in producing any particular good or service. According to theory, artificial barriers to trade and investment distort natural affinities and rob the global economy of the benefits of specialized production (CDE 1997, 13). The theory postulates that increased trade and investment leads to a more efficient allocation of resources, thereby enlarging the pie that citizens are able to share. The "trickle-down" effect occurs as the wealth generated by a few flows down to the greater population, as more jobs and income are generated (ICHRDD 1997, 6; LADOC 1997, 23).

The neoliberal economic model is the driving force behind the current phenomenon of economic "globalization"—the on-going process of the integration of national economies into a global free trade, free market system. This neoliberal framework is continuing to expand and gain strength, as economic leaders are negotiating major trade liberalization agreements and blocks, such as the Asia Pacific Economic Co-operation (APEC), the Free Trade Areas of the Americas (FTAA), and the Multilateral Agreement on Investment (MAI) (ALARM 1996, 1), all of which promise to take neoliberalism to new heights.

* * *

The purpose of this paper is to examine how neoliberal economic policies are affecting the human rights of the peoples of Latin America, with a particular focus on economic, social and cultural rights. To do so, the paper will first provide a brief overview of how neoliberal economic policies have been implemented in the region as well as the effects these policies are having. It will then go on to examine the mechanisms and institutions driving neoliberalism—the international bodies and trade agreements which serve to promote, implement and expand neoliberal economic policies throughout the world. By dissecting these complex pieces of the 'neoliberal puzzle' one may understand the varying opportunities and possibilities that exist for affecting change.

Part II will look at the Canadian government's policy position and actions in promoting foreign trade and in protecting human rights. This section will focus on how these policies both converge and conflict with one another.

Part III on *Responding to the Neoliberal Agenda* will look at the international structures and various alternatives that exist to protect human rights and reconcile the problems and inequalities that are resulting from trade liberalization. The paper will conclude with a list of questions to consider and areas for further research.

I. The Neoliberal Economic Model in Latin America

Many will argue that the neoliberal economic model has produced miracles in Latin America. Indeed, for the first time in years, Latin American countries are reportedly experiencing steady economic growth; Mexico and Brazil, are boosting the performance of the whole region, and other key economies such as Argentina, Chile, Colombia, Venezuela and Peru are growing with average gross domestic products for the region expected to rise between 4 and 5 per cent in 1997 (The Globe and Mail, August 9, 1997, B20). In fact, according to Canadian management consultants, investment in Latin America is considered to be one of the best opportunities around (The Toronto Star 09/15/97; E2). More specifically, neoliberal economic policies have been hailed to have delivered positive contributions to Latin America, such as:

- Increased supply with less expensive and better quality products.
- Reduced inflation continent-wide.
- Removed areas from government control where it should not have been involved.
- Fiscal responsibility for a better use of public resources.
- Improving commercial relations between countries.

However, the impacts of neoliberalism have been far from only positive in Latin America. In order to see this more clearly, let us look at how the neoliberal model has been implemented in the region.

1.1 Neoliberal Economic Policies In Latin America

The real thrust of neoliberal economic policies were first implemented in Latin America in the 1980s, when high rates of inflation, severe recessions, and an inability to repay growing international debts plagued Latin American governments. Amidst this growing crisis, the International Monetary Fund (IMF), World Bank, and the Inter-American Development Bank (IDB) offered to provide aid to the ailing Latin American governments—but only under very strict and very specific conditions. In order to obtain any commercial loans or credits, debt relief, and/or bilateral aid, countries were required to open their economies by adopting neoliberal, free-market-oriented reforms. Known as stabilization and structural adjustment programmes (SAPs), these reforms have typically involved the privatization of government-owned enterprises, sales and oil tax increases, a strong focus on cash crop production for export, a reduction of food and agricultural subsidies, and a reduction of state budgets through the reduction of social services (CDE 1997; ICCAF 1994).

Stabilization Programmes

Stabilization programmes are short-termed programmes designed to rapidly curb inflation and create a trade surplus to fund multilateral debt. Stabilization is achieved by:

- Decreasing public spending to reduce the government's fiscal deficit;
- Social spending cuts (including health and education);
- The elimination of government subsidies and price controls on food and fuel;
- Higher prices on state produced goods, such as water and electricity;
- Higher interest rates to reduce growth in the money supply and cut consumer spending power;
- Devaluation of currencies to increase exports and decrease imports (CDE, 14).

Structural Adjustment Programmes (SAPs)

SAPs are long-term programmes installed in order to pay off foreign debts, and as conditions for almost all aid transfers to the South. They are also implemented with the intention of developing the region by stimulating an export-led economic recovery, to integrate the country's economy into the global market system (Development and Peace 1995, 7; CDE 1997, 15). Today, about 21% of the World Bank's loans are for SAPs (CDE 1997, 53). SAPs are intended to improve a country's foreign investment climate, and to bring financial stability to the region. More specifically, SAPs typically dictate governments to:

- Devalue their currency;
- Undergo privatization schemes;
- Revoke legislation to protect national industries by reducing trade and investment regulations and tariffs;
- Implement social spending cuts;
- Boost foreign exchange earnings by promoting exports;
- Deregulation of the labour market to cut labour costs by facilitating hiring and firing as well as the reduction or elimination of the power of unions;
- Business deregulation, including the reduction of safety, health, and environmental regulations;
- Restrict credit to small producers and farmers;
- Raise taxes, generally through increased sales taxes or the value added tax (a tax on each stage of production), which has a greater proportional impact on the poor;
- Raise interest rates;
- Shift from domestic food production to agricultural production for export. (LADOC 1997, 24; CDE 1997, 14).

Both stabilization and structural adjustment programmes have largely succeeded in curbing inflation, in thrusting Latin American countries into the world economy, and in helping pay foreign debts, (although they still remain very high due to interest accumulation). But these debts are largely being paid by the country's weakest and most vulnerable--by the poor, by workers, women, small-scale entrepreneurs and farmers, and the environment (Development and Peace 1995, 7; Hellinger 1997, 8; CDE, 15). And, as the poor receive significantly less health and education services and do not benefit from export-led growth, large businesses, corporations and land owners are benefiting greatly from these neoliberal economic changes, effectively widening the gap between rich and poor. The past 20 years in Latin America have also made clear that no "trickle- down" of wealth is underway, despite neoliberal economic teachings of the inherence of such an effect. Though Latin America recorded a cumulative rate increase in GDP in the period 1991- 95 of 15%, by 1994, indigence levels had only decreased by 1% (to total 17%), still two percentage points above the 1980 level. This left one out of every six households unable to satisfy its basic nutrition needs, even if it were to spend its entire income on food (Strategis web site; ECLAC 1997, 30). The reasons for such unequal growth can be explained by the following:

Trade Liberalization

The opening up of Latin American economies and markets with the virtual elimination of protection for domestic producers have created an international economy where only the biggest and strongest survive. Like in Canada, neoliberal policies have thus led to the destruction of many small, domestic businesses and increased unemployment.

Privatization

Privatization schemes, while perhaps increasing efficiency, have also translated into a loss of national autonomy and more importantly, thousands of job layoffs through restructuring and downsizing (in order to make the company more attractive to foreign investors). In Peru, for example, while the privatization of the state telephone company alone brought US $1.4 billion in foreign direct investment, an average of 50% of employees working for national companies that underwent privatization were laid off (UN World Investment Report 1996; ICCHRLA 1997, 5; ICCAF 1994).

Export Economies and Food Production

Latin American countries receiving aid have been forced to shift from growing diverse food crops for domestic consumption, to specializing in the production of cash crops (such as coffee and cotton) for export. The huge increase in supply of such cash crops effectively lowered their prices on the world market, so domestic revenues never increased. Meanwhile, the reduction or abolition of food and agricultural subsidies increased the costs of basic food requirements for local households (ICCAF 1994). Credit to small and medium-scale farmers has also been reduced or eliminated, which has forced many of them to abandon their livelihood and move to cities. As a result, rural unemployment and poverty have increased, urban migration and shantytowns have multiplied, and the majority of the population is not getting enough to eat (ICCHRLA 1997, 4). Also, this switch to agro-exporting has also been linked to the expansion of drug trafficking, as traditionally grown products are no longer viable (LADOC 1997, 24), and as people have no other economic alternative (Maier Hirsch 1997).

Conversely, larger-scale farmers have responded to export-incentives, and have begun to produce luxury items for the North, such as coffee, snow peas and cashew nuts. Meanwhile, for the first time in history, Central American countries are importing basic staples, such as corn and beans, from the United States (ICCHRLA 1997, 4).

Reductions in Social Spending

This difficult situation has been made much worse by cuts to social spending. The elimination of basic subsidies on food, health, education, social security, utilities, and transportation have left Latin America's poor with nowhere to turn. In a region where millions had already been living in extreme poverty, the ramifications of further limitations on the basic right of access to food are both enormous and disastrous. Latin America's poor live in poor health, are malnourished and uneducated (as children are forced into the labour force and out of school, or simply cannot afford the basic costs of school books and supplies). This combination of rising malnutrition and falling education levels does not bode well for the region (ICCHRLA 1997, 4).

1.2 Effects of the Neoliberal Economic Model

By now, the negative effects of SAPs on Latin American populations have been widely recognized. In fact, even the World Bank has acknowledged that their SAP policies have increased poverty and income inequality in Latin America. Still, however, while the World Bank is trying to better address social issues and policies through its programmes, structural adjustment policies remain as conditions for financial support to this day (Hellinger 1997, 8; Zablah 1997; Mihevc 1997).

Neoliberal economics have been adopted by Latin American governments not only in the form of imposed SAPs, but also in their chosen economic policies. Motivated by the process of globalization, and fear of being left out of the global economy, Latin American leaders have adopted outward-looking economic policies and have begun to integrate their countries into the global market (Roque 1996). This is illustrated by the numerous trade blocks which have been formed in Latin America, including NAFTA, MERCOSUR , the Andean Pact, and most recently, the Canada-Chile Free Trade Agreement (*see below for more details on these trade blocks*), in addition to numerous bilateral trade and investment agreements, which have greatly liberalized trade between member countries.

While neoliberal policies have led to some improvement in macro-economics indicators and have enriched some of the region's inhabitants, most Latin Americans have witnessed a deterioration in their quality of life. Over the past twenty years, real incomes have plunged dramatically in most Latin American nations. Life is becoming increasingly difficult for the majority of Latin Americans, as more and more energy is devoted to fulfilling the most basic of human needs. The reasons for this can be seen in the effects of the neoliberal model on the region:

Erosion of Labour Rights and the Quality of Life of Workers

As international businesses face stiff competition for a share of the world market, businesses are forced to improve their bottom line by increasing productivity and decreasing costs. The former is typically accomplished by the adoption of new technologies and better organization which requires an increase in highly skilled workers. And, in order to decrease costs, corporations are relying on down-sizing, sub-contracting, and/or moving production to lower-wage countries where labour and environmental regulations are more easily overcome (Development and Peace 1995, 7).

As highly-skilled, well-paying jobs increase in the North, Latin America is highly sought after for its pool of cheap labour, untapped resources, and its record of meager, unenforced human rights, labour and environmental standards. In short, neoliberalism's global market has transformed Latin American workers into Latin America's "comparative advantages" for international trade and investment, from which massive profits are reaped. This is illustrated by the hundreds of foreign-owned companies that set up throughout Latin America, particularly in the Export Processing Zones where virtually no standards are enforced of any kind *(see discussion on Export Processing Zones on next page).*

In the maquilas of Guatemala, Mexico, and El Salvador, a young, predominantly female labour force must work in unhealthy and inhuman conditions. Forced to work overtime, they are paid starvation wages and forbidden to unionize. Many of these women are subjected to routine harassment, intimidation, and forced monthly pregnancy tests, where, if found pregnant, are fired without notice or forced to have an abortion. In Guatemala, the average pay of a maquila worker is half the cost of their basic food requirements. And in the maquilas along the U.S.-Mexico border, workers are exposed to the highest levels of toxic waste in the world, according to the National Toxics Campaign. In El Salvador, the government issues "certificates of good conduct" to show that a job applicant is anti-union, while names of union organizers circulate, ensuring they are never hired again (Barlow 1997). Interestingly, all of these countries have expansive labour and environmental legislation, but such laws go unenforced and unpunished.

In the foreign mining operations, including those that are Canadian-owned, in Chile, Peru, Venezuela, Costa Rica, Nicaragua, Guyana, and Panama, conditions are similarly appalling, despite any claims that Canadian mining firms follow the highest standards (Miller 1996; CLC-CUT Delegation)). Workers paid a fraction of that of their North American counterparts and must work in hazardous conditions where both organizing and striking are perilously difficult. Miners are routinely exposed to lethal chemicals that have been banned in Canada, such as Agent Orange, mercury, cartan, cyanide and arsenic, without proper protection or safety precautions. Many miners are chronically ill, suffering from a range of sicknesses including silicosis, pneumonia, bronchitis, kidney failure, arsenic poisoning, mercury poisoning, and cancer. Lives have been claimed as rivers that feed into communities have been carelessly contaminated by the spillage of poisonous chemicals from Canadian mining operations upstream, and poorly-built tunnels have collapsed. Similar cases abound (Equipo Nizkor 1997; McBrearty 1996; Caceres 1997; Russell 1996; Geman & Hager 1995, 21; Mining Activism site, internet; CAPA 1997).

In the agro-export industries throughout Latin America, field and warehouse workers are routinely exposed to dangerous chemicals and pesticides that have been banned in the North American markets into which they are being sold. Child labour is also common in this sector, while wages are extremely inadequate and unionization is strictly controlled (McBrearty 1996). In Chile, for example, from which Canada imports $111 million worth of fruits and nuts each year, the majority of workers are young women between the ages of 12 and 27, who have become the victims of Chile's unregulated use of pesticides; a number of toxins appearing on the World Health Organization's "Dirty Dozen" list are commonly used in agro-export industries, and have been linked to sterility, spontaneous abortions, deformities, cancer, liver damage and other diseases. (CAPA 1997).

To make the situation worse, governments are imposing social and political controls, such as the disregard, lowering or elimination of existing labour and environmental standards, in order to guarantee the 'hegemony of the free market', and 'flexibilize' labour to best suit it. Latin American countries have reformed their labour laws, showing a general trend of facilitating hiring and firing, and establishing regulations governing collective bargaining. In some countries, like Colombia, there has been an attempt to reduce labour costs and remodel unemployment funds. Likewise in Colombia, Chile, Peru, Argentina and Bolivia, the amount of severance pay to workers has been reduced or grounds for dismissal have been broadened (UN-ECLAC 1997, 88).

Similarly, in the world's 500 different Export Processing Zones, transnational companies are allowed to operate outside the economic, labour and environmental laws of the host country (Barlow 1997). Likewise, in the race to attract trade and investment, multinationals are typically given preference over local inhabitants, which often leads to the destruction of communities. Such has been the case of Canadian mining projects in Costa Rica, among many other Latin American countries, which have been approved on indigenous land, without the negotiation or consent of the people (Equipo Nizkor 09/24/1997). In Bolivia, 10 people were killed in 1996, when soldiers and police opened fire on demonstrators at the Andean Amayapampa mine in the central province of Potosi. They had been protesting development plans by the mine's new Canadian owner, Da Capo Resources of Vancouver, and were simply trying to negotiate some guarantees for worker and environmental protection, and such items as drinkable water and adequate sanitation for the community (Diebel 04/ 17/ 98).

As investment and jobs migrate towards areas with the lowest production costs, a downward pressure is being exerted on wages, labour and environmental standards world-wide. This is illustrated by the first Export Processing Zone (EPZ) to be established in St. John's, Newfoundland. EPZs allow transnational corporations to operate outside the economic labour, and environmental laws of the host country. And, thanks to the competition emerging among Canadian provinces for jobs, we can expect a proliferation of such zones within the decade (Barlow 1997). For this reason, the neoliberal economic model is commonly described as the "race to the bottom". Ultimately, the quality of life everywhere is at stake.

Ecological Impacts

The impacts of neoliberalism have weighed heavily on the environment as well, despite the promise of increased and universalized environmental legislation through bilateral and multilateral trade deals. As discussed above, neoliberal policies have given way to the increased use of toxic substances in agriculture, maquilas, and mining operations. The use of such chemicals and the squalid, unsanitary living conditions that exist for workers are environmental nightmares.

Likewise, as foreign mining companies from Canada and elsewhere take advantage of the "favourable business climates" offered in Latin America through cheap labour and weak labour and environmental legislation, vast amounts of land are being converted into environmental wreckage. For example, mining exploration projects in Costa Rica are being planned by Canadian companies, Barrick Gold and Placer Dome, near the Rio San Juan watershed, where the devastation of a biological corridor, a Biological Reserve, a National Park, rare and endangered species, and one of the last remainders of Central America's humid tropical forests, are all at stake (Equipo Nizkor 09/ 24/97, e-mail); In Chile, Canada Tungsten Inc. has been embroiled in a lengthy dispute over environmental concerns at its open- pit Andacollo copper mine, where sulfuric acid has leeched into very fine soil, causing respiratory and dermatological problems and conjunctivitis among Andacollo people, especially the young (Diebel 04/ 17/ 98).

In addition to increased mining activity which has had negative environmental impacts in Latin America, tropical deforestation has also increased as neoliberal economic policies have placed a strong demand on the export of timber and agricultural products. Although proven to be environmentally, socially and economically destructive, Latin American countries have been forced by international institutions to capitalize on their "comparative advantage" in tropical timber and agro-exports, without any consideration given to the environmental unsustainability of these activities, or to the activities' economic (un)viability in the face of increased competition and saturated markets. Land degradation has been notoriously high in Latin America, as poor campesinos have been forced to cut, log, graze or cultivate further and further into the frontier, clearing one plot of land, quickly depleting its nutrients, and moving on to the next. Without fertile land, technical training, financial support, or any other alternative, Latin America's poor have been forced into an environmentally unsustainable way of life (Coomes 1996). Likewise, agro-export activities require large- scale farming, which typically relies on monocropping and massive inputs of pesticides and fertilizers– more environmental disasters.

Erosion of Democracy and Sovereignty

Amidst these problems, big business is the big winner. World-wide assets of transnational-national corporations (TNCs) were valued at $8.4 trillion ($8,400,000,000,000) in 1994, representing 33% of the world's total assets (UN World Investment Report 1996; Council of Canadians 1997, 11). With approximately 40,000 TNCs in the world– up from only 7,000 just twenty years ago– the top 200 now control over one-fourth of the world's economic activity and have combined sales of US $7.1 trillion, bigger than the combined economies of all countries, minus the largest 9 (Barlow, 1). With so much money, the economic clout of TNCs readily translates into political control. For example, Latin American public treasuries have been subordinated to the adjustment of macro-economics variables, such as a balanced budget, reduced inflation, and stable balance of payments, all in the interest of big business (LADOC 1997, 24). Moreover, the deregulation of financial markets has meant that currency traders can easily make or break a country's currency through speculation, and leave national governments powerless over their own economies and destinies (Development and Peace 1995, 7; UN-ECLAC 1997, 85). This is well-illustrated by the 1995 Mexican peso crisis that ensued after some US $10 billion worth of portfolio investment fled the country (Dillon 1997, 9).

Today, even business and government fora have expressed concern about governments' growing incapacity to make decisions and implement policies that they define to be in their national or international interests (ICHRDD, 6). In these ways, neoliberal economics has led to the blurring of economics and politics, with politics effectively serving the needs of the greater economy (i.e. a handful of TNCs), and not of the greater population (LADOC 1997, 24).

Concentration of Wealth

Today, there are 39 billionaires in Latin America, compared to just 8 six years ago (NACLA 1997). This wealth super-imposed over the poverty of millions has translated into a growing social equity gap. In 1996, Latin America experienced a drop in real wages to pre-1980 levels, where 84% of new jobs created between 1990 and 1995 were in the "informal sector". In the same year, 40% of Latin America's population (representing 210 million people) were left living below the poverty line (UN-ECLAC 1997, 84; Canadian Labour Congress 1997, 1). At the global level, the concentration of wealth is also apparent, as the average of international wages for working people increased by 3%, while the average salary and bonus for corporate CEOs increased by 67% (Council of Canadians 1997, 11; 1).

Increasing Violence and Social Unrest

This deepening social and economic crisis in Latin America is increasingly marked by street protests, strikes, and violence. Virtually every day, urgent action requests are made, related to assassinations, arbitrary detentions, tortures and disappearances in Latin America. The victims are trade unionists struggling against the privatization of state-owned enterprises and against the violation of the most basic labour rights; the victims are active members of grassroots organizations who struggle for fair salaries and decent living conditions; the victims are indigenous people, forced off their land and away from their cultural ways of life; the victims are the hungry, the poor, the exploited, and the weak (ICCHRLA 1997, 5-6).

The Experience of Latin American Partner Organizations: Questionnaire Results

What follows is a summary of the results of a questionnaire on the relationship between neoliberal economic policies and social, economic and cultural rights. Questionnaires were sent out to Latin American human rights organizations in the fall of 1997 and early 1998. They sought to determine the perspectives of partner organizations on neoliberal economic policies and on how to address any negative impacts (with respect to social, economic and cultural rights) which may have resulted from them. Additionally, the questionnaire sought to determine what partners believe ICCHRLA's role should be in working to address these rights violations resulting from neoliberal economic policies in general, or from Canadian trade and investment in particular.

Ten (10) questionnaire responses were received, representing approximately 45% of those sent. The questionnaire responses were from Argentina, Brazil, Chile, Colombia, El Salvador, Mexico and Peru. The responses were collected both in writing and from informal interviews. (Please see Annex 1 for a list of the questionnaire respondents)

- There is unanimous consent among respondents that neoliberal economic policies have resulted in an increase in the violations of social, economic and cultural rights in Latin American countries. More specifically, respondents noted:

Negative impacts of the current model	**Positive impacts of the current model**
An increase in poverty and inequality, and social/ economic marginalization • *MEDH* • *APRODEH* • *IPC* • *CODEPU* • *Fronteras Comunes* • *FASIC* • *MST* • *CMDPDH* • *ANTA*	**Hyperinflation is under control** • *MEDH*: **because Latin Americans fear hyperinflation more than the hardship they currently face, they are enduring the current model** (also, the idea that protectionism favours national production of low quality and low productivity seems to be indoctrinated within the Argentinean people, so they fail to recognize the weaknesses and problems created by the economic system).
A decline in the fulfilment of basic rights, such as the rights to education, health and other services that used to be public • *FASIC* • *MEDH* • *APRODEH* • *CODEPU* • *MST*	
An increase in the violation of cultural rights, including the destruction of indigenous ways of life • *Fronteras Comunes* • *CODEPU*	
An increase in the violation of basic labour rights • *FASIC* • *CODEPU* • *MEDH* • *Equipo Pueblo*	
An increase in environmental destruction/ negligence • *CODEPU* • *Equipo Pueblo*	
The erosion of democracy (as political and economic power rests with businesses, while popular sectors and social movements are left powerless). • *FASIC* • *MST* • *ANTA*	
National production and employment has been harmed • *APRODEH* • *Equipo Pueblo* • *IPC* • *Fronteras Comunes* • *FASIC*	

• *MEDH* • *ANTA*	
An increase in the number of displaced people • *APRODEH* • *IPC* • *MST* • *CMDPDH*	
An increase in violence • *MEDH* • *IPC* • *APRODEH* • *MST* • *CMDPDH*	

1.3 Mechanisms and Institutions Driving Neoliberal Economics:

The inequality among prosperity that we are witnessing is a product of human policy, and as such, can be changed. It is time to put democracy, development and social justice back on the world agenda, and put people first. But exactly what should be done, how, and by whom, is a complex matter with an infinite number of possible approaches and strategies. Before exploring this topic in greater detail, however, it is helpful to dissect the complex pieces of this 'neoliberal puzzle' in order to fully understand the varying opportunities and possibilities that exist for change. The first step in doing so is to look at the agreements, institutions, and frameworks which have been used to promote the neoliberal economic model in the region.

The World Trade Organization (WTO)

At the culmination of the 1994 Uruguay Round, the largest trade negotiation ever, accords had been established to set out rules of almost universal scope, in areas that went well beyond trade to include rules to govern investment, services, industrial property, and more. The Uruguay Rounds also ensured the creation of a new institution, the World Trade Organization (WTO), to replace the archaic GATT (General Agreement on Tariffs and Trade). From 1995 onwards, the WTO has functioned together with the International Monetary Fund (IMF), the World Bank, and the Inter-American Development Bank (IDB) to control the future of the world economy.

Established in 1948, the GATT was an international organization which oversaw the international trading system. The GATT set binding commitments on tariffs for goods in general, and combinations of tariffs and quotas for some agricultural goods. For forty-seven years, the GATT helped establish a multilateral trading system in which measures could be taken against certain kinds of "unfair competition". However, no rules or facilities were ever set for dealing with "social dumping", the violations of labour rights (DFAIT; Common Frontiers/LAWG 1996, 32).

On January 1, 1995, the WTO officially replaced the GATT and became the only international body governing the legal ground-rules for international commerce and trade policy between nations. The WTO is GATT 'plus', spelling out the principles of liberalization, and the permitted exceptions which cover everything from goods to services and intellectual property. The primary purpose of the WTO is to promote international trade liberalization, under the rationale that protectionism leads to bloated, inefficient companies that can lead to factory closures and job losses.

The WTO Agreements have 3 main objectives: to help trade flow as freely as possible; to achieve further liberalization gradually through negotiation; and to establish an impartial means of settling disputes. Extensively-defined rules exist within the agreement around regulations, safeguards, contingencies and anti-dumping laws concerning trade. However, in this rules-based system, the enforcement of rules is very asymmetrical; resources are required by countries in order to ensure that they are adequately represented in key councils, to seek technical assistance, and to take actions against transgressor nations. Therefore, the rules of the WTO will be most strongly enforced by the North, due to their greater availabilities of resources, while the South will have a smaller voice (The Halifax Initiative 1995, leaflet).

Many of the policies and trade rules outlined in the WTO will exacerbate the social crisis that has emerged in Latin America. For one, the freedom of national governments to support local enterprises and impoverished regions will be restricted. This will occur as governments will be under pressure from transnational corporations to lower taxes in order to maintain competitive business climates to in turn benefit national economies. Individual countries will confront much difficulty in trying to adopt progressive social policies, as the high costs of such programmes would be resisted by transnational corporations (Ibid).

The WTO will also force national governments to gradually reduce subsidies to their farmers, and in the case of Latin America, will eliminate agricultural subsidies by 2004. Latin American countries will have to open their doors wider to transnational agri-business while reducing tariffs on imported foodstuffs. Thus, the smaller-scale and domestic producers in Latin America, will face further competition, and may not survive. Increased unemployment and food insecurity will result (Ibid; WTO web site).

Essentially, the WTO will empower transnational corporations with the ability to determine the patterns and volume of global trade. It is these unelected bodies that will have an increased control over our common future (Ibid).

The WTO has rigid policies with regards to the environment, but these policies ensure that the environment does not 'infringe' upon trade, and not vice versa. As rigid rules exist to ensure that trade restrictions are not imposed on a product purely because of the way it has been produced, and that no country reach out beyond its own territory to impose its environmental standards on another country, little exists within the WTO to protect the environment. According to the WTO, the most effective way to deal with international environmental problems is through environmental agreements, like *The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal*, and *The London Guidelines for Exchange of Information on Chemicals in International Trade*. Currently, if one country believes another county's trade damages the environment, for example, no definitive legal interpretations exist within the WTO on the necessary procedures that should be taken. While the complaining country can act to protect its own domestic environment by applying standards, taxes or other measures to imports, any such measures must apply equally to the complaining country's own products, and these actions would not concern the WTO. As positive step, however, the WTO has agreed to analyze the relationship between trade liberalization and the protection of the environment (WTO web site).

At the end of the Uruguay Round in 1994, trade ministers from participating countries decided to begin a comprehensive work programme on trade and the environment in the WTO. They created the WTO Committee on Trade and the Environment, which has provided a space for environmental debate and has brought environmental and sustainable development issues into the mainstream of WTO work. Specifically, its duties are to study the relationship between trade and the environment, and to make recommendations about any changes that might be needed in the trade agreements (LIDC Forum 1997, 5). But the WTO is very clear in stating that the committee's work is focused on studying questions that arise when *environmental policies* have a significant *impact on trade*– not vice versa– and that the committee does not intervene in national or international environmental policies or in setting environmental standards (WTO web site).

Likewise, nothing exists within the WTO to address labour standards and protect labour rights (DFAIT 1997). The WTO agreements do not deal with any core labour standards. Indeed, the WTO deferred the subject of trade and labour rights to the ILO, naming it as the competent body to deal with labour standards. There is currently no work on the subject of labour rights in the WTO, including any committees or working parties dealing with the issue (WTO web site). However, the possibility of adopting a social clause that would modestly condition trade liberalization measures on basic respect for labour rights has been discussed at the WTO (ICHRDD, 7), though much debate still surrounds this issue (see section on social clause and charters) and there are no signs pointing to the adoption of such a clause within this body in the foreseeable future.

Space for Popular and Social Dimensions in the WTO

During the Uruguay Round, the United States government put forward the idea of introducing a social clause into the WTO's constituent agreements—a proposal which had already been raised in other fora, such as the ILO. A social clause would employ international trade mechanisms to guarantee the adoption of and compliance with a set of minimum social and labour standards. The proposal sparked a debate, which continues today, over the content, mechanisms, and particularly, over the very feasibility of employing a social clause within the WTO framework (Common Frontiers/LAWG 24). Southern NGOs and popular organizations fear that a social clause in the WTO, because of the institution's lack of democratic procedures, would be used as a form of protectionism by the North, which would use its economic clout to rob the South of its 'comparative labour advantage' (Ibid; Mihevc 1997).

At a Ministerial Meeting of the WTO in Singapore in December, 1996, the Canadian government supported the compromise position of a watered-down labour paragraph, calling on members to observe ILO standards—without the adoption of a social clause (DFAIT).

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The International Monetary Fund (IMF)

The IMF was created in 1944 at Bretton Woods, New Hampshire, to promote international monetary co-operation and rebuild war-torn Europe. Today, the IMF aims to facilitate the expansion and balanced growth of international trade, to promote exchange stability, and to assist in the establishment of a multilateral system of payments. Its membership includes 181 countries and its total quotas are US $196 billion.

The IMF mandate is to help member countries cope with both official and commercial debt problems through policy guidance, technical assistance and financial support. The voting power in the IMF does not operate on the principle of one country, one vote, but rather, by the amount of money invested by each member (ICCAF 1994).

The IMF's support has been and continues to be conditional on policy adjustments. If a government does not implement stabilization and structural adjustment programmes (SAPs), then that country will not receive an IMF "standby agreement" (the IMF stamp of approval), and will not be eligible for any commercial loans or credit, debt relief, or bilateral aid—from any institution, including the World Bank and IDB (CDE 1997). The IMF has been heavily criticized for forcing poor countries to adopt SAPs, which have not only enabled the IMF to dictate governments and economies, but have brought detrimental social costs that have widened the gap between rich and poor in Latin America (New Internationalist 1994, 18).

The IMF has also been one of the key players in what has become known as the Debt Crisis. After providing short term funds to heavily-indebted countries on harsh terms, the IMF is now extracting large net transfers of resources from many countries which can least afford it. In response to public criticism and mobilization around this issue, the IMF has established an Enhanced Structural Adjustment Facility (ESAF) which channels aid dollars from donor countries to the poorest countries on more concessional terms. There is, however, a growing concern that this aid is being used to service outstanding IMF/World Bank debt. The IMF continues to receive far more money in debt servicing from the poorest countries than they are lending (The Halifax Initiative 1995).

After conducting self policy examinations, the IMF acknowledged that its policies tend to cause short-term social costs for vulnerable groups, but concluded that their policy paradigm remains appropriate and effective. The IMF continues to be intensely criticized by civil society for its unjust policies and its lack of accountability and transparency (ICCAF 1996; Mihevc 1997). In 1994, when the IMF and World Bank were celebrating their 50th anniversary, this criticism culminated in an international NGO campaign called "Fifty Years is Enough". The campaign publicly addressed the devastating effects of the IMF and World Bank, and sought institutional change. Though the World Bank did bow under pressure, the IMF was unyielding (50 Years is Enough! 1994; Mihevc 1997).

Not only is the IMF unyielding to the concerns of the public, but it is now secretly trying to deepen its control over national governments. The IMF is trying to expand its mandate by seeking global authority to control capital in and outflows of national governments by amending its Articles of Agreement (Articles VII and XIV). The IMF is claiming that this will reduce the risk of inappropriate government economic policies that could shock market confidence and lead to the flight of money out of the country, and that the benefits of liberalizing capital accounts outweigh the potential costs. If the proposed changes are made, the IMF would have control over its members' national investment controls and policies, (which would lead to the IMF forcing governments to liberalize their investments, just like has been done with their trade). If a country should choose not to follow the IMF's advice, the country would lose its access to IMF funding and therefore, would never have access to future financial assistance as part of an IMF stabilization, structural adjustment or bailout program. Losing the IMF seal of approval would also severely limits access to private capital. IMF management may seek these changes as early as the IMF Spring meeting in April, 1998 (Halifax Initiative 04/ 13/ 1998, e-mail).

Space for Popular and Social Dimensions in the IMF

The IMF is currently collaborating with the World Bank and other United Nations agencies in the design, implementation, and monitoring of social policies, in order to better incorporate social aspects into their general programme designs. The IMF admits that much remains to be done on this front, to effectively alleviate poverty and promote employment (CDE 1997).

However, the IMF remains unaccountable to the public and unconcerned with providing NGOs or other popular organization with a space to influence policy planning and implementation processes. Such a space is difficult, if not impossible, to create within the IMF's current structure, as it is an undemocratic institution which does not rely on country funding for its survival (Mihevc 1997). If anything, in the face of growing public scrutiny and criticism, the IMF has become more firm and outspoken on their stance vis-à-vis SAPs and trade liberalization (Mihevc 1997).

This was well-illustrated in February, 1996, when a joint IMF-World Bank committee produced a framework proposal for dealing with multilateral debt. The IMF refused to contribute any of its own resources to reducing debt, and instead pushed for the enlargement of their Enhanced Structural Adjustment Facility (ESAF), a facility designed to help countries overcome balance of payments difficulties, stemming from macro-economics and structural problems. With most funding for the ESAF coming from bilateral donors, the IMF is now being given more money to implement more of the same policies that are mainly responsible for the current debt problem. So, instead of reducing the debt of the poorest countries, the IMF is now recycling them. The IMF's stubbornness in failing to address the inequalities resulting from their imposed economic programmes was also illustrated when it essentially disregarded the 50 Years is Enough Campaign, in 1994, and refused to make any changes (IMF web site; ICCAF 1996).

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The World Bank

The World Bank, officially called the International Bank for Reconstruction and Development, was established in 1944 in Bretton Woods, New Hampshire, originally to finance the reconstruction of war-torn Europe. The World Bank's goal is to reduce poverty and improve living standards by promoting sustainable growth and investment in people. The Bank provides loans, technical assistance and policy guidance to developing country members. Today the Bank's membership is extended to 180 countries, all of whom must first be admitted to the IMF (World Bank web site).

The World Bank has two boards; the Board of Governors, composed of one member from each country; and the Board of Executive Directors, who meet weekly and are responsible for all loans. Like the IMF, voting rights on both boards are not democratic, but proportional to a country's share of the Bank's annual contribution (CDE 1997, 8). Members are required to pay annual membership quotas, and may also give donations to replenish its International Development Agency (IDA), which gives loans below market rates to the least developed countries (Dillon, 1997).

In 1996, the Bank had a portfolio of 1,742 active loans in 138 countries totaling $143.1 billion. These included large loans to developing countries to finance investments such as roads, power plants, schools, and irrigation networks. The Bank also funds other activities, such as agricultural extension services, teacher training, and nutrition improvement programmes.

Since 1980 the Bank has made loans to restructure economic systems through the implementation of SAPs. Currently, about 21% of the Bank's loans are for SAPs (CDE 1997, 8, 53). The World Bank is the largest development organization in the world, and has become the Third World's largest creditor; In 1995, the Third World owed the Bank over US $160 billion (The Halifax Initiative 1995).

The World Bank has experienced many problems with its loan portfolio, rating one-third of its operations as unsatisfactory on completion, for the past five years. A 1994 evaluation revealed that the Bank's development goals were only achieved in 39% of its operations—in fact an improvement from the previous five years, when the average was 31% (World Bank Annual Report 1996, 30-32). The Bank has also acknowledged that it has failed to achieve its most primary mission of poverty alleviation (The Halifax Initiative 1995).

It is no wonder that the World Bank has not achieved poverty alleviation. Like the IMF, the Bank has been collecting more money from poor countries in debt repayment than it has given in "aid"; Bank projects have forcibly resettled 2.5 million people from 1986 to 1995, and another 2.5 million are expected to be uprooted by the year 2000; large infrastructure projects have also applied an unacceptable toll on the poor and on the environment, while proving to be economically unsound (The Halifax Initiative 1995).

Despite these failures, however, the World Bank has made a profit every year since 1947. Between 1980 and 1992, when the Bank began to provide SAP-conditional loans and "aid" to developing countries, its net earnings rose over 172%. By 1994, the Bank's accumulated retained earnings amounted to over US $14 billion (ICCAF 1994).

These failures led to the international NGO "Fifty Years is Enough Campaign" in 1994, discussed earlier. The success of this campaign in raising public awareness and mobilization against the Bank forced it to embrace some changes—or face great difficulty in securing future donations from member countries (ICCAF 1994; Mihevc 1997).

In response, the World Bank has established the Structural Adjustment Participatory Review Initiative (SAPRI), the Highly Indebted Poor Countries (HIPC) Debt Initiative, as well as poverty reduction and environmental programmes. The Bank also created a greater space for NGO and popular participation and influence within its institutional structure (Mihevc 1997). These positive changes were also made thanks to the instatement of a new, more progressive Bank Director, James Wolfenson (Dillon 1997; Mihevc 1997).

The SAPRI is a participatory evaluation of the social and economic effects of SAPs, designed to help chart a future course of action regarding the quality and appropriateness of economic reform programmes. It is an initiative which just began in the summer of 1997, and is expected to take between 12 and 18 months to complete (The World Bank 1997).

The HIPC Debt Initiative is designed to tackle the debt obligations of the poorest countries. This pilot project is to be tried in five countries and to last for up to six years, at which time the countries are to have achieved a sustainable level of debt. The participating countries must implement a World Bank/IMF supported SAP (Internet: oneworld.org). Criticisms concerning this initiative abound, however. Problems have been widely cited over the rigid eligibility criteria, based on a narrow definition of "highly- indebted poor countries" which excludes too many needy countries; about the social conditionality imposed in order to obtain debt reduction; about its approach to stabilization which is inconsistent with the needs of fragile economies; and many others (Halifax Initiative 03/ 11/ 97; Oxfam International).

Additionally, the Bank has required all staff involved in arranging loans for developing countries to consult with labour organizations about proposed loan conditions for development projects (ICHRDD 1997, 7). The Bank has also opened a new dialogue with non-governmental groups, including human rights and environmental organizations, advocacy groups, agricultural producers, and others, inviting the input of an array of labour and environmental NGOs on designing a revised development strategy (Zablah 1997). However, though changes in Bank rhetoric and decision-making processes are incorporating NGOs and their concerns, their new input is not reaching the top ranks of the Bank, and is not really affecting Bank policies (Mihevc 1997).

Another positive step taken by the Bank has been to respond to pressure from environmental organizations, by establishing an environmental policy and an environmental Operational Directive. Environmental assessments are undertaken for all projects conducted by borrowing governments with Bank input. The assessments are required to incorporate the views of the people affected by the projects and are supposed to include social issues and consultation with NGOs and community organizations (CDE 1997, 58; WBED 1996, 37). An Environmental Inspection Panel has also been created for public complaints (Mihevc 1997).

The Bank has only recently begun to deal with issues of gender, finally undertaking initiatives to address these issues in decision making and operations. However, many areas of the Bank are reluctant or blatantly adverse to integrating gender issues into mainstream Bank operations. The Bank claims to have addressed gender issues in 22 poverty assessments (CDE 1997, 60).

Space for Popular and Social Dimensions in the World Bank

In 1982 the World Bank established the NGO-World Bank Committee, composed of 27 NGO representatives and a number of senior Bank managers. The goal of the Committee is to provide the Bank with input from NGOs on development issues concerning policies and projects. This group, however, has been largely symbolic, with no real clout to challenge Bank policies (CDE 1997, 57; Mihevc 1997).

In 1994, after the 50 Years is Enough Campaign, the World Bank instituted a number of operational reforms to increase liability to and participation of civil society. The World Bank established an independent Inspection Panel, to allow groups outside the Bank to register grievances concerning the violations of Bank operational policies and procedures. The World Bank's Inspection Panel has a full-time secretariat and Panel Chairperson in Washington. This inspection panel is one of the most powerful vehicles for NGOs and popular organizations to influence Bank projects, though it is time consuming and tedious. However, the Inspection Panel's operating procedures only provide for non-binding recommendations to be sent to the Board of Executive Directors. (The Inspection Panel is chaired by Richard Bissell. Its address is: World Bank Inspection Panel, 1818 H Street, NW, Washington, DC 20433, Tel: (202) 458-5200) (CDE 1997, 57).

More space was created for NGOs in 1996, when the Latin America and Caribbean Regional Office established the position of NGO Liaison Officer for most countries in the region. Most Liaison Officers were hired in the country in which they work and many have extensive experience with NGOs. Their jobs, while covering a wide range of functions, (including the improvement of project quality and increasing contacts with civil society), are often not carried out properly, due to a lack of resources (CDE 1997, 55-56).

Advocacy campaigns may also be targeted towards influencing Bank policies and planning. In developing advocacy campaigns, allies may be developed both inside and outside of the Bank, as well as in other countries who will support positions and lobby their governments to support them. The most powerful unit at the World Bank is the Regional Operations Department, which processes loan applications and controls the allocation of billions of dollars in resources as well as the conditions placed on the loans. A range of units and programmes outside of this Department may only have small influence, but may prove useful for obtaining information and appointments not otherwise available (CDE 1997, 17-18).

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The Inter-American Development Bank (IDB)

Established in 1959, the IDB is the oldest and largest regional multilateral development institution. Its aim is to promote economic and social development in Latin America and the Caribbean. Today, membership extends to 46 nations, including Canada, and annual lending exceeds US $6.7 billion (IDB internet site).

The IDB has two boards; the Board of Governors that meets only annually; and the Board of Executive Directors, responsible for operational policies, approval of loans and technical co-operation proposals, and IDB borrowing in capital markets. Like the IMF and World Bank, voting on both boards is proportional to a country's subscription in the Bank's capital stocks. As of 1994, Canada's share is 4%, Latin American countries collectively share just over 50%, and the United States has the largest single share of 30% (CDE 1997, 21).

The Bank has financed sector reform loans and debt reduction programmes. The Bank has a Fund for Special Operations for lending in concessional terms for projects in developing countries. The Multilateral Investment Fund (MIF) was created in 1992 to promote the process of economic modernization and to ease the human and social costs created by economic structural adjustment. The Bank also makes loans at market rates, known as Ordinary Capital, as well as Funds in Administration, which are individual funds with a wide range of development purposes (IDB internet site).

The most basic requirement for continued Bank financial assistance is the maintenance of an "appropriate" economic environment based on the neoliberal economic model (primarily through the adoption of SAPs). States must also attain a certain level of administrative and organizational capacity. Other conditions, such as those concerning proper environmental management and the social and productive sectors may also be applied (CDE 1997, 27)

In response to public pressure, several major reforms have recently been made to improve the IDB. These include the establishment of the Committee on Environment and Social Impacts and the revising of its Involuntary Resettlement Policy (Ibid, 23).

Most recently, the Bank made a progressive move to expand its environmental oversight committee to include social issues. This, in many ways combined and strengthened the Bank's existing Environmental Policy (as established in 1979) and its Policy on Women in Development (adopted in 1991). The new body is called the Committee on Environmental and Social Impact (CESI), and is responsible for reviewing all Bank operations and projects in terms of its environmental and social impacts. CESI requires that all final drafts of Environmental Impact Assessments (EIA) be available locally, and that the Bank's final report on Environmental and Social Impacts be available to the public (Ibid, 23-24).

The IDB's resettlement policy is designed to avoid or minimize the disruption of the livelihood of inhabitants. The Involuntary Resettlement Policy covers involuntary physical displacement of people caused by Bank projects in both the public and private sector. The IDB is still in the process of revising its policy on this, but is attempting to provide displaced people with "fair and adequate compensation and rehabilitation, within a reasonable time" (Ibid, 26).

Space for Popular and Social Dimensions in the IDB

Due to the advocacy work of NGOs and the insistence of the U.S. Congress, the IDB instituted two concrete reforms in 1994-95 which have given the Bank more transparency and a public space for retribution. The first reform was the adoption of an information disclosure policy, to increase access to IDB documents and authorized Centers in Country Offices. The second reform was the establishment of an "independent" inspection panel, to investigate complaints from parties directly affected by Bank projects regarding violations of IDB policies and norms (CDE 1997, 23).

While these initiatives are commendable, their positive impacts have been restricted by various problems. The information centers, for example, are often not operational as they often offer only very limited access to documentation. Similarly, the inspection panel is not equipped with a permanent office, while the investigations staff for the "independent" panel is actually provided by the Bank. In addition to this, an investigation can be blocked by the Board of Executive Directors. As of February, 1997, only one appeal had been submitted to the IDB (concerning the Yacyreta Dam in Argentina), and this case has still not been resolved (Ibid, 24).

The Organization of American States (OAS)

The Organization of American States (OAS) is the world's oldest regional organization, dating back to the First International Conference of American States, held in Washington, D.C., from October 1889 to April, 1890. This meeting approved the establishment of the International Union of American Republics. The Charter of the OAS was signed in Bogota in 1948 and entered into force in December 1951. Today, all 35 sovereign states of the Americas are members of the OAS and Permanent Observer status has been granted to 37 States, as well as the European Union (OAS web site).

The basic purposes of the OAS are to: strengthen the peace and security of the continent; promote and consolidate representative democracy, with due respect for the principle of non-intervention; prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States; provide for common action on the part of those States in the event of aggression; seek the solution of political, juridical and economic problems that may arise among them; promote, by co-operative action, their economic, social and cultural development; and achieve an effective limitation of conventional weapons that will make it possible to devote the largest amount of resources to the economic and social development of the Member States (OAS web site). The OAS has special units to serve specific purposes; a Trade Unit, a Unit for Social Development and Environment, one for Sustainable Development and the Environment, and for the promotion of Democracy (OAS web site).

The OAS has made a significant effort in the area of the development and codification of international law, with its organs adopting over one hundred conventions regulating numerous aspects of public and private international law. The OAS works to defend Human Rights, through the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights (the "Court"). At present, the Commission has approximately 800 cases before it, and the Court, nineteen (CAPA 1997).

The covenants, however, are limited in strength. Each covenant is subject to individual country ratification, and the jurisdiction of the IACHR is also subject to individual country acceptance. Both Canada and the United States have not ratified the American Convention on Human Rights, and have not agreed to accept the jurisdiction of the Court (ICESCR 1995, 19). Moreover, even those countries who have ratified conventions and accepted the court are not bound to anything.

The existing OAS' human rights monitors-- weak as they may be-- are currently being threatened by a set of proposed reforms made by several countries. Human rights monitors are concerned that these reforms would greatly limit access to the IACHR for victims of human rights abuses or for the NGOs that represent them, as well as decrease the transparency with which the human rights protection mechanisms operate (CAPA 1997).

In December 1996 at the Summit of the Americas for Sustainable Development held in Santa Cruz, Bolivia, the Heads of State adopted a Declaration and Plan of Action that strongly support the full integration of civil society into the design and implementation of sustainable development policies and programs at a hemispheric and national level. Thus far, a proposal has been made to formulate the Inter-American Strategy for Participation (ISP), which would aim to promote transparent, effective, and responsible public participation in decision-making and in the formulation, adoption and implementation of policies for sustainable development in Latin America and the Caribbean (OAS web site). Ironically, however, NGOs were not permitted to participate in this summit, and were instead only allowed to attend the preparatory sessions in Washington. Not only does this undermine the OAS' genuine desire and ability to solicit public participation and increased transparency, but it also undermines its ability to achieve the Summit's stated goals of education and poverty alleviation, if no NGO expertise is sought (CAPA 1997).

The greatest efforts of the OAS have increasingly been focused on the area of trade. Indeed, when the OAS Trade Unit was established in 1994, its principal aim was to consolidate the Free Trade Area of the Americas (FTAA), in which barriers to trade and investment will be progressively eliminated. The OAS is to have a paramount role in following-up on the various decisions of the Summit, and particularly those aimed at: strengthening democracy; promoting and protecting human rights; combating corruption; eliminating the threat of national and international terrorism; building mutual confidence; establishing a Free Trade Area of the Americas; advancing telecommunications and information infrastructure; promoting cultural values; combating the problem of illegal drugs and related crimes; co-operation in Science and Technology; strengthening the role of women in society; and establishing a partnership for pollution prevention.

But while the OAS is considered the principal hemispheric body for the defence of democratic values and institutions within the FTAA process, its role of good governance has been associated with, and subordinated to, the promotion of economic liberalization (CAPA 1995). Indeed, the OAS has consistently linked democracy with trade, despite the evidence that shows that the freedom of capital has not extended itself to human beings. By focusing on trade liberalization and ignoring the fact that the lack of enforceable labour standards in the Americas undermines the social, economic, and political rights that are the cornerstone of any democracy, the OAS is directly undermining its primary goals of democracy and development, as sought through its other Units. Nothing concrete exists within the OAS to protect vulnerable sectors or ensure that trade promotion is pursued without sacrificing social well-being of the majority (CAPA 1997).

Although the OAS is increasingly devoting itself to the promotion of trade liberalization, it is uniquely well-positioned to assume the role of enforcing labour and other rights at a hemispheric level. Today, action is urgently needed to encourage member governments to defend the OAS human rights mechanisms which are to pressure the OAS to undertake a new role in making sure that human growth and development coincide with economic growth and development. In this regard, Canada has played a very pro-active role; Canada has expressed the need to uphold and reinforce the protection of the IACHR, as well as in advancing the issue of increased NGO participation within the OAS process (CAPA 1997). However, judging by the current trends within the OAS, the Organization is not assuming a leading role in the protection of rights in this quickly- globalizing hemisphere.

1.4 Some Trade and Investment Agreements in Latin America: Neoliberalism at Work

North American Free Trade Agreement (NAFTA)

- A trade agreement between Mexico, Canada, and the United States.
- Implemented on Jan. 1, 1994.
- The US is the center of NAFTA, accounting for 70% of all imports and exports in the region (ALARM 1996, 4).
- A number of aspects of NAFTA violate sections of the International Covenant on Economic, Social and Cultural Rights. These include the right to a means of subsistence (including access to land, in the case of indigenous Mexicans), and the right to a state to restrict certain economic rights as they affect non-nationals, and the promotion of self-determination (Rumsey 1997).
- *See section on Side Deals*

Canada-Chile Free Trade Agreement

- Implemented on July 5, 1997.
- First trade agreement signed by Chile with a G-7 industrialized nation.
- Eliminates tariffs on 80% of the trade between Canada and Chile.
- The tariffs on the remaining 20% of trade will be eliminated on January 1, 2004.
- Provides for significant new protection for Canadian investments in Chile, giving Canadians privileged access to Chile's markets.
- *See section on Side Deals*

Foreign Investment Protection Agreements (FIPAs)

- FIPAs are bilateral, reciprocal agreements to promote and protect foreign investment through legally binding rights and obligations concerning national treatment, unfettered transfers of funds, trade- related investment measures, transparency, equitable compensation in the case of expropriation, and recourse to state-to-state and investor-to-state dispute settlement. (FIPA provisions are included in the NAFTA and the Canada- Chile FTA).

- Canada has FIPAs in place with 24 countries, including Argentina and Ecuador
- FIPAs have been signed but not yet ratified with Venezuela, Costa Rica and Uruguay
- Discussions on FIPAs have reached the proposal stage with Peru, Cuba, Brazil, El Salvador and Colombia, while an offer to negotiate a FIPAs has also been made to Panama.

(DFAIT 9/ 09/ 97; Strategis web site; Divine 04/ 02/ 98).

Mercosur

- Mercosur is the Southern Cone Common Market, a trade block between Argentina, Brazil, Uruguay and Paraguay.
- Signed on March 24, 1991, the full trade block was in effect by January 1, 1996
- Mercosur differs from NAFTA in that it is more like a customs union than a free trade deal. By 2001, Mercosur countries are to have created a customs union, and will then proceed to adopt a similar model as the European Union (EU). (A custom union entails the harmonization of trade investment, production and social policies and includes the formation of supranational institutions).
- During the formation of the block, no participation was extended to civil society, and no social dimension to the agreement was considered. But, in March 1992, however, in response to pressure from the Network of Unions of the Southern Cone (CCSCS), a Sub-group on Labour Relations, Work and Social Security was formed, and granted consultative status. Today, unions are using this mechanism to continue the push for a social agenda in the trade agreement.
- Unlike NAFTA, the labour movement has supported the regional economic integration process, though with certain conditions; by supporting Mercosur, unions could take advantage of the regional integration to collectively demand that their concerns be addressed. Mercosur was also supported by labour because it is a South-South deal between countries of more or less equal socio-economic conditions, unlike the case of NAFTA.
- In January, 1994, unions from the member countries created the Charter of Fundamental Rights for the Mercosur, which addressed the rights to life, liberty, health, education, nutrition, a safe and healthy working environment, a social safety net, and collective rights. This Charter was presented to the country presidents and to the Executive Secretariat of the Mercosur. However, this Charter has been recognized as inappropriate for Mercosur, as it is not yet a common market.
- A Protocol on Labour was then proposed by the labour movement, as being more appropriate for Mercosur during its transition toward a common market; the Protocol is narrower than the Charter in scope, outlining the respect and enforcement of basic individual and collective rights, including the rights to health, safety, and bargaining. This Protocol has been accepted by all four governments, and is currently being deliberated on, (including the content of the protocol, and how it will be enforced). To this end, four commissions have been established to look into how the Protocol could be instituted and enforced, including an observatory institute

to investigate labour issues, and a committee of labour and business representatives to bargain collectively across member country borders.

- Currently, however, though labour representatives are participating in Mercosur processes, nothing concrete exists within Mercosur to protect labour rights.
- Canada has been eager to increase ties with Mercosur in hopes of eventually negotiating lower tariffs for Canadian exports, especially in the telecommunications and technology sectors. Officials have suggested that Canada and Mercosur should be able to solidify a preliminary trade and investment agreement within the next year (Scoffield 04/ 20/ 98).

(CF/LAWG 1996, 34-37; Portella 1997; CUT 1997, 2, 4; Roque 1996).

The Andean Pact

- Founded in 1969
- A free trade agreement between Bolivia, Colombia, Ecuador, Peru and Venezuela.

The Central American Common Market (CACM)

- Founded in 1961.
- Member countries: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.
- As its title suggests, the CACM creates a common market between members, not free trade.

(ECEJ 1993, appendix 1).

The Latin American Integration Association (LAIA)

- Founded in 1980.
- A free trade agreement between Mexico, Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, and Venezuela.
- The LAIA does not match NAFTA in scope or in its impact on economies and people.

(ECEJ 1993, 11)

NB: There are many other bi/ tri-lateral trade agreements between Latin American countries, such as the Chile-Mexico FTA, the Peru- Bolivia FTA, the Mexico- Costa Rica FTA, the Mexico-Colombia- Venezuela FTA, CARICOM, and more.

1.5 Prospective Trade and Investment Agreements in Latin America: Neoliberalism at Work

Asia Pacific Economic Co-operation (APEC)

- Declaration of Common Resolve was made in 1994, with the aim of reducing trade barriers, promoting investment among members and achieving borderless trade between members by the year 2020 (ALARM 1996, 1-2, 11).

- Member "economies": Australia, Brunei, Canada, China, Chile, Hong Kong, Indonesia, Japan, Mexico, Malaysia, Papua New Guinea, Philippines, Singapore, South Korea, Taiwan, Thailand, United States.
- Countries on the waiting list: Peru, Ecuador, Colombia, Vietnam, Mongolia, Russia, India, Sri-Lanka, Pakistan, Israel.
- Currently encouraging closer regional co-operation among member economies.
- APEC systematically refuses to include, refer to, or in any way advocate respect for human rights in its deliberations, claiming that human rights are beyond its mandate. APEC has also refused to commence a dialogue on matters of "good governance" with respect to fundamental rights and freedoms, and democratic progress.
- For the above reason, many social groups have adopted the strategy of total rejection of APEC; at a "Labour and Migrant Rights Forum" in November 1996, unions and NGOs from 20 countries resolved to fight the globalization model of APEC.
- In response to APEC, a "People's Summit on APEC" was organized parallel to the official APEC leaders' summit on November 19 to 21, 1997 in Vancouver. It was convened by non-governmental, labour and people's organizations and provided a place to discuss, debate and build alternative visions of trade and international cooperation (Gibb-Carsley 1997, 10).
- Recent reports reveal that APEC may be losing momentum, as Japan has expressed reluctance to accelerate the removal of tariffs on wood products (between the year 2000 and 2004) an on fish product (Lachica 04/ 20/ 98).

(ICCHRD 1997, 4, 7; LIDC Forum 1997, 7)

Free Trade Areas of the Americas (FTAA)

- The FTAA aims to create a hemispheric free trade agreement between all the 34 countries of the Americas (except for Cuba) by the year 2005.
- The FTAA process was launched by the heads of government of 34 countries of the hemisphere, including Canada, at the Miami Summit in December 1994. Since then, trade ministers have met three times, and had their last Leaders' Summit in Santiago, Chile, on April 18- 19, 1998.
- Canadian goods exports to FTAA markets outside its current free trade partners in the region (i.e. the US, Mexico and Chile), are in the order of $3,5 billion annually, and is of growing interests to Canadian business (DFAIT 1997). Canada is therefore a strong proponent of the FTAA and wants negotiations concluded no later than December 31, 2003. Canadian Trade Minister Sergio Marchi hopes talks for the trade pact will start by June 1998.
- But the process is already hobbled by US President Bill Clinton's loss of fast track, without which he lacks the authority that he needs from Congress to negotiate trade deals (Diebel 04/ 17/ 98).
- There is a general concern among southern countries of the drastically different standards among proposed member countries of the FTAA in annual incomes (for example, economic output of the Caribbean accounts for just 0.02% of the total of the hemisphere [Diebel 04/ 17/ 98]); social problems and inequalities cannot be ignored (CUT 1997, 7).

- Among Mercosur countries, there is general agreement between government, business and the labour movement concerning the need to stall talks. Their intention is to strengthen Mercosur before an FTAA exists, so that it may continue to thrive within a greater free trade agreement (Portella 1997). Meanwhile, the labour movement in Mercosur countries is accepting opportunities to participate in FTAA discussions, to try and influence the process, but is not optimistic about truly having any impact on it (Portella 1997).

Multilateral Agreement on Investment (MAI)

- The MAI is a new international economic agreement currently being negotiated by the 29 countries of the Organization of Economic Co-operation and Development (OECD). (Mexico is the only Latin American country in the OECD). Negotiations officially began in May 1995, though the public was unaware of the treaty until 1997. By January 1997, a consensus had been reached by governments on approximately 90% of the agreement.
- Designed to be a global investment treaty, the MAI will ease the movement of capital across international borders by limiting the power of governments to restrict and regulate foreign investment (Public Citizen 1997; Catholic New Times 1997, 10). The main objective of the MAI is to amplify the provisions of NAFTA, and extend them throughout all OECD countries and to any other country willing and able to concede to the MAI (DFAIT web site; Public Citizen 1997; Team Canada 1997, 45). Canada is arguing vigorously to make the MAI as attractive as possible to non-OECD countries and to encourage their accession at the earliest possible date (DFAIT web site)-- even though they have been given no role in shaping the agreement.
- Essentially, the MAI would create a set of rules that would lock in liberalization and replace a patchwork of 1,600 or so bilateral investment treaties that currently exist throughout the world (The Economists 03/ 14/ 98, 81). Once signed, the MAI has a 20-year lock-in (Barlow 10/10/97).
- Under the MAI, a country would have to provide equal treatment between foreign and domestic investors and investments, and would not be permitted to favor any foreign investors and/or investments. This means that national governments would not be able to require foreign corporations to create specific numbers of jobs when they invest in that country, or to restrict profit repatriation or the movement of capital (Barlow 10/10/97). The MAI would also allow an investor to bring a claim directly against a state (DFAIT web site; Americas Update 1997, 2; Team Canada 1997, 44). As Maude Barlow, chairperson of the Council of Canadians, has warned; "You can see a situation where foreign investors in a country could say to a government, 'If you even think about bringing in this law, this is what it's going to cost you'" (Eggertson, 1997).
- Under the MAI, any subsidies from government to service providers would have to be made available to for- profit institutions from foreign nations. So subsidies to non- profit child care centres, for example, would be illegal unless the subsidies were also extended to profit-making child care centers (ECEJ 03/ 98).
- Under the MAI countries must agree to "rollback" or eventually eliminate non-conforming measures, including those listed as "country specific reservations". So, even if Canada succeeds in getting reservations for culture and social programs, they will eventually be phased out (Barlow 10/10/97; ECEJ 03/ 98).

- Canada is not pushing for binding language within the body of the treaty text to properly address environmental and labour concerns. According to Mr. Frederick Seppey, Senior Policy Analyst at the Investment Trade Policy Division of DFAIT, while labour rights are "beyond the scope of the MAI", the agreement will recognize the importance of respecting labour rights by making several recommendations. These recommendations, however, will be unenforced and are non-binding (Eggertson 1997).
- MAI negotiations do include regular consultation with the Trade Union Advisory Committee of the OECD, led by Bob White. But while only a handful of labour and environmental representatives have been present, Over 500 business representatives are involved in negotiations.
- Canadian Trade Minister Sergio Marchi has rejected appeals to stop advancing the MAI while the Canadian public has a chance to analyze what is involved in the treaty (Public Citizen; Eggertson 1997).
- In opposition to the MAI, the *MAI Network* has been established and is dedicated to exposing the dangers of the proposed MAI and mobilize mass public opposition. Organized by the Council of Canadians, this national campaign is supported by well over 60 organizations across Canada and thousands of individuals (Gibb-Carsley 1997, 10). The provincial government of Prince Edward Island and the municipal government of Toronto have opposed the MAI and the province of British Columbia is considering issuing a court challenge if it moves forward.
- This kind of massive public outcry and pressure is being exerted throughout all OECD countries and has put labour and the environment on center stage... so much that some companies now favour walking away from the deal, feeling that the MAI may actually force them to make more commitments instead of allowing them to reap more advantages. Moreover, several hundred pages of proposed exceptions from the general rules of the MAI have diluted the agreement substantially (The Economist 1998, 82). Additionally, Clinton's loss of congressional authority known as fast track (which would have constrained legislators to vote either for or against any trade or investment deal without the option to make amendments), is one of the greatest setbacks (ECEJ 03/ 98).
- At an OECD meeting at the end of April 1998, it was decided that negotiators will keep working to resolve remaining obstacles to the MAI, but at fewer meetings and at a slower pace. Following the meeting, Marchi publicly acknowledged the need for more public involvement in the deal. In the words of Tony Clarke of the Polaris Institute, "This puts an end to the idea that the MAI is dead. It may be limping a bit, but it's certainly very much alive")Eggertson, 04/ 30/ 98). Many believe that if the MAI fails, it will be transferred back to the WTO, or into the FTAA negotiations (The Economist 1998, 82; ECEJ 03/ 98).

Multilateral Investment Agreement (MIA)

- The MIA was discussed at the WTO in 1995, to attempt to provide a constitution for a single global economy. When it met significant opposition by leaders of developing countries, it was re-named the MAI and brought to the OECD.

- If/ once the OECD countries approve the MAI, the agreement may supply leverage to bring the MIA back to the WTO and force the rest of the world to accept it (Clarke, 1998; Americas Update 1997, 2).

II. Canada's Policies on Trade and Human Rights

The promotion of economic growth and employment are Canada's highest stated foreign policy objectives. The government boasts estimates that every $1 billion in exports creates or sustains 11,000 jobs in Canada, and that one in three Canadians owe their jobs to the global marketplace. With these statistics, the Canadian government has made increased international trade its top priority, and aims to nearly double the amount of trade and investment in Latin America by the year 2000 to reach $10 billion in merchandise exports (Team Canada 1997, 40).

Meanwhile, Canada has-- at least on paper-- maintained a high regard and strong support for the respect of human rights around the world *(please see Annex 1 for a list of all international human rights treaties ratified by Canada).* However, whatever Canada's written promises with regards to the protection of human rights, amidst the new global village and our country's new priorities, Canada's broad outlook on human rights vis-à-vis trade has changed considerably over the last few years. From intimately linking trade and human rights, to completely divorcing them under Foreign Affairs Minister Andre Ouellet, today Canada asserts that trade can and should be used as a mechanism in promoting human rights. As such, Canada promotes international trade as a means of both advancing its own national agenda of increasing international trade and supposedly, the respect of international human rights. The rationale for this view, according to Prime Minister Jean Chretien, is that "growing trade and the increased economic prosperity which it brings will often help to nurture more open and more democratic societies" (Ross 1995). Known as *constructive engagement*, the theory behind this rationale maintains that the presence of western businesses-- and their western values-- in countries where human rights are repressed, will promote political liberalization and the respect for human rights, as repressed populations become exposed to liberal values which support human rights. Moreover, the theory holds that foreign trade fosters economic expansion which brings new wealth to the repressed society which is then "trickled down", leading to the development of a middle class. This new middle class then fuels the political liberalization process.

But, this theory falsely assumes two things: (1) that Canadian businesses always demonstrate good "western values", including the respect for human rights; and (2) that the trickle down effect is at work in Latin America and elsewhere. Experience has revealed that Canadian and other western firms do not always act responsibly. In fact, as the OECD and business people themselves have conceded, western firms may respond to the cost advantages of repression and may choose to locate where wages are lowest and where labour ministries have "appropriate" attitudes regarding "costs", such as the enforcement of labour laws *(see Annex 3 for a list of Canadian companies known to have abused labour and/ or environmental standards in Latin American countries).* Experience has also demonstrated that economic growth in Latin America has been highly concentrated, with a distinct absence of any "trickle down effect" to filter wealth down to the masses (Forcese 1997).

It is clear, then, that democracy and respect for human rights can only result from foreign trade and investment *if* the country in question has some openness that will allow the economic benefits to flow broadly to the general population, and *if* there is some sort of demonstration effect resulting from positive business operations (Lavin 1996). Moreover, as we have witnessed, a process of economic liberalization that fails to integrate human rights considerations from its beginning is likely to result in a "race to the bottom" with even more human rights abuses, where the economic gap between the labour and management classes is actually widened (Forcese 17; 20).

According to Craig Forcese's book, "*Putting Conscience into Commerce*", Canadian trade and investment may be actively undermining human rights in several ways, if human rights considerations are not incorporated into our trade policy:

- If the company takes advantage of low and/ or unenforced labour and environmental laws within a given country;
- If the company's presence results in increased repressive activity by the government, countering any positive impact it may produce on human rights (this could include forced displacement of indigenous people);
- If the company's presence reinforces the repressive capacity of the government;
- If the government uses repressive means to produce infrastructure designed for the use by the business or to provide the firm with resources;
- If the government accommodates business interests by resorting to repression to forestall labour unrest;
- If the company's products are used by the government that increase its repressive capacity (this includes infrastructure, such as roads, power, etc.);
- If the company is a major source of revenue that increases the government's repressive capacity;
- If the company provides international credibility to an otherwise discredited government.

But Canada's foreign policy operates in disregard of these above principles and considerations, as our government frantically proceeds to promote trade, even in countries with atrocious human rights records. In the case of Colombia, for example, where human rights records are one of the worst in all of the Americas, the Department of Foreign Affairs and International Trade (DFAIT) has produced extensive documentation to promote Canadian trade and investment in the country-- in the very sectors where the worst human rights violations have been occurring (in the oil, telecommunications and transportation sectors). These are sectors which the Colombian government is privatizing and whose unions have been among the most hard hit by military and para-military forms of oppression. While DFAIT publications trumpet Colombia as "one of Canada's most dynamic commercial partners in the region", hardly any mention is given to the horrible human rights crimes routinely committed there (DFAIT 02/25/97). DFAIT has also stressed the great economic opportunity Canadians have in selling aircraft to the Colombian air force, national police and military, all of whom are renown for committing barbarous human rights violations. Clearly, Canada's trade and investment interests, as demonstrated in Colombia, do not always promote human rights, but may actually serve to undercut them (ICCHRLA October 1997, 51-52).

Despite government promises of increasing democracy, transparency, and peoples' participation in structures and policy implementation, human rights do not find central expression in Canadian foreign policy if and when they intersect with potentially promising trade opportunities. A focused discussion through a wide range of instruments, such as dialogue and programmes of cooperation, and the application of these instruments to Canada's foreign policy goals is needed in order to align government rhetoric with foreign policy reality (CCIC 1994, 5-6).

2.1 Mechanisms of Promoting International Trade in Canada:

As mentioned above, the government has invested heavily in undertaking a myriad of initiatives to promote and facilitate increased international trade. The following are a brief list of some of the most important ones:

(Except where specified, the source of the following information is derived from the Canada Business Service Centre 1997).

Team Canada

- Launched in October 1995 by the federal government, Team Canada is an initiative to help Canadian businesses capture emerging market opportunities and to attract and retain investment in all regions of Canada (Team Canada 1997, 5).
- Team Canada initiatives include identifying Canadian companies and helping them to become export ready by providing market intelligence, sales leads, business contacts and country-and sector-specific analyses (Ibid).
- Team Canada also conducts trade missions to various geographical regions, led by the Prime Minister (Ibid); From January 1998, Jean Chretien led his second Team Canada mission to Latin America, to Mexico, Brazil, Argentina and Chile. The focus was on generating new business for Canadian companies, and concluded with a record 306 deals valued at $1.78 billion, signed by over 140 Canadian companies (PM's Office News Release, 09/20/97; PMO Press Office 01/ 22/ 98).

Export Development Corporation (EDC)

- EDC is a Crown corporation that helps Canadian businesses compete internationally and facilitates export trade and foreign investment by providing risk management services, such as insurance and financing. The EDC covers up to 90% of a business's losses attributable to political risk such as government expropriation or war. The EDC also provides export financing to foreign buyers, allowing them to purchase Canadian goods and services.
- Though the EDC operates on a self- sustaining basis, borrowing on the capital markets, its credit is backed by the government of Canada and Canadian taxpayers, who in effect assume the risks and any resultant costs.
- The EDC is not legally obliged to consider human rights or labour criteria in making its insurance decisions or any other financial provisions.
- The EDC is not subject to the Access to Information Act, and refuses to disclose information relating to its insurance practices. It is therefore uncertain, though very possible, that repressive regimes are receiving EDC export support to purchase products that bolster their repressive activities, such as dual civilian military purpose equipment. Moreover, a 1997

report by the Steelworkers Humanity Fund indicated that fully 77% of the concessional loans and 21% of the non- concessional loans made by the EDC went to countries that the OECD has indicated severely or significantly curtail freedom or association rights (Forcese 1997, 86- 87).

Canada's International Business Strategy (CIBS)

- CIBS provides Canadian industry with an opportunity to influence the government's business strategies and priorities. It is the vehicle used for coordinating Canada's international business development strategy, based on direct and active consultation between government and the private sector (Team Canada 1997, 6).

Canadian International Development Agency (CIDA/ INC)

- The Canadian International Development Agency (CIDA) under the Industrial Cooperation Program, or CIDA/ INC provides financial contributions to stimulate Canadian private-sector involvement in developing countries by supporting long-term business relationships such as joint ventures and licensing arrangements.
- CIDA/ INC encourages enterprises to share their skills and experience and contribute to sustainable development in developing countries.
- Though under CIDA INC's gender guidelines companies are expected to comply with the "labour regulations of the countries in which they operate", the general information material on CIDA INC does not contain any reference to human rights and labour standards.
- A1995 Steelworkers Humanity Fund report indicated that a 44% of CIDA INC assistance went to projects in countries with serious restrictions on freedom of association (Forcese 1997, 88).

Programme for Export Market Development (PEMD)

- PEMD is the federal government's primary international business development programme, managed by DFAIT's Export Programmes Division.
- It is designed to increase Canadian export sales, by encouraging Canadian companies, national industry and trade associations to become exporters and by helping existing Canadian exporters develop new markets.
- PEMD supports companies by sharing costs of export market development activities, reducing a firm's risk when entering a foreign market. This money is a contribution, ranging from $5,000 to $100,000 per year, of which repayment is based on the new sales made by the company or the contracts attained.

Team Canada Inc.

- This network is a key point of access for Canadian firms seeking trade and investment information. It will support consultations between government and the private sector, and will attempt to apply the success of Team Canada on "home ice" (CanadExport 12/15/97; DFAIT- BCF 10/09/97).

World Information Network (WIN) for Exports

- A computer database of 25,000 Canadian qualified exporters of goods and services using the services of Canadian missions abroad. (WIN is used by DFAIT trade staff around the world and Team Canada partners across Canada for their marketing activities and tracking of their client companies).

Progress Payment Programme—Export Assistance

- Run by the Canadian Commercial Corporation (CCC) and Canada's financial institutions, this programme provides pre-shipment financing to small and medium-sized exporters, for up to 90% of their costs. The interest rates on borrowed funds is at prime, plus a percentage charge to compensate CCC for its risks.

New Exporters Training and Counselling Programme (NEXPRO)

- NEXPRO provides group mentoring and one-on-one counseling for small businesses wanting to enter the export market, given by the BDC.

New Exporters to Overseas (NEXOS)

- NEXOS is a special educational programme to introduce Canadian companies to the European export market. It is a DFAIT initiative.

Export Market Development: Making Trade Shows Work

- A one-day workshop administered by Ministry of Economic Development Trade and Tourism.

Export Counselling and Support

- This is run by the Business Development Bank of Canada (BDC)

Canadian Company Capabilities

- Run by Industry Canada, this is a database that profiles over 25,000 Canadian companies, where vital business information can be accessed by registered companies.

Strategis

- An initiative of Industry Canada, Strategis is the largest business information web site in Canada, offering management resources, perspectives and data.

Trade Data Online

- Initiative of Industry Canada, providing on-line access to Canadian and U.S. trade statistics.

DFAIT InfoCentre

- Offers information, reference, and consultation services to Canadian exporters, companies interested in international markets and those interested in Canadian foreign policy.

Canada-Ontario Business Call Centre

- A joint initiative of the federal and provincial governments, established in 1995 to provide general information and referral services to small businesses, including export information.

Forum for International Trade Training-FITT Inc.

- Joint initiative of the federal government and the private sector, to provide quality programmes and training in international trade.

Export Readiness and Export Essentials

- A half-day educational seminar designed for small to medium-sized Ontario-based manufacturing or service companies. It is run by the Ontario International Trade Corporation.

In addition to the above, exorbitant amounts of money are 'given' to big business, as yet another way to "stimulate growth". In 1992, for example, the Canadian government lost over $5.2 billion in corporate income tax subsidies (tax rules that allow corporations to reduce their taxes) (OCSJ 1997). Likewise, the Canadian oil sector is just one illustration of corporate welfare in Canada, where major Canadian oil companies received $743 million in direct federal grants, and another $1.2 billion in tax breaks in 1994 alone (http:infoweb.magi.com).

The results of such a strong-- and too often isolated-- government focus on stimulating business has begun to show "results". A KPMG study released in October 1997 announced that Canada has the lowest business start-up costs among the leading European and North American economies. These low business start-up costs include not only electricity, transportation, construction and telecommunication costs, but annual *labour* costs as well. In other words, of all leading European and North American economies, Canada has the lowest costs on wages, statutory benefits, and employer- sponsored benefits and labour. The study also concluded that Canada has not performed "so well" on the other side of the international business equation-- in terms of attracting job-creating investment. In short, then, Canada's incentives to stimulate international business is working at the expense of labour and with little gain to employment. Responding to the study, Canadian Trade Minister Sergio Marchi said that it was proof that Canada offers "an investment climate second to none", and concluded that "Canada's economic house is in order" (DFAIT- BCF 10/09/97).

2.2 Trade and Human Rights: Intersections and Divergences

Interestingly, while information on Canada's position on business, international trade and export incentives is overly abundant and readily available, information about Canada's stance on human rights is not. Even the DFAIT InfoCentre had no available information on Canada's foreign policy on human rights, and no recent statements or documents on the issue were readily accessible from Canada's Human Rights Division, either.

In terms of promoting Canada's 'sound' values and principles on human rights around the world, the role of the Canadian government had been modest, especially in the face of fruitful trade. For example, Canada is currently imposing multilateral sanctions on Burma, but unlike the US measures, the Canadian sanctions do not apply to investment in the country (Forcese 1997, 18; Lawrence 1997). A positive human rights stance was again exercised by the Canadian government on March 9, 1998, when Foreign Affairs Minister Lloyd Axworthy announced several unilateral measures to isolate the Milosevic government of Yugoslavia (in conjunction with other sanctions imposed by Western powers) following the killing of 52 ethnic Albanians in Kosovo. Canada commendably suspended all Canadian export credits to Yugoslavia, as well as all bilateral discussions (Ward 03/ 10/ 98). But the Canadian government responded drastically different when a similar situation occurred in Mexico; in December 1997, when 45 indigenous men, women and children were massacred in Chiapas by the Mexican paramilitary– which is believed to have been under the authorization of the Mexican government and army– Mexico went 'unpunished'. And not only did Mexico not feel any sanctions, but only days after the massacre Prime Minister Jean Chretien led a Team Canada mission to Mexico City, where a record 91 business deals were signed, worth $229.9 million (Chetcuti 1998; DFAIT- BCF). Clearly, trade and investment interests and prospects in a given country appear to play a significant role in determining Canadian human rights policies and responses to human rights violations in that particular country.

In terms of regulating trade and business practices to adhere to Canada's basic principles on human rights, the Canadian government has chosen to take an auxiliary role, primarily entrusting this responsibility with the business community itself (Ulin, 1997). Because the government would not want to jeopardize Canadian businesses' global competitiveness, the main initiative our government has taken in this area has been to *encourage* business to regulate itself. This has resulted in the establishment of a voluntary code, known as Canada's International Code of Ethics for Canadian Business which has been adopted by 14 companies (discussed in more detail later). However, this code lacks universalism, effectiveness and enforcement, and is hardly a sincere attempt to regulate Canadian business practices abroad.

Another modest, though laudable initiative taken by the Canadian government to promote human rights through trade, has been the establishment of the Child Labour Challenge Fund, an initiative to end exploitative child labour practices (CanadExport 09/15/97, 1). This fund, worth $400,000, was officially launched on September 11, 1997, and aims to encourage Canada's small and medium-sized enterprises to contribute to international efforts aimed at abolishing exploitative child labour. For the next two fiscal years (ending on March 31, 1999), government funding of up to $50,000 will be granted for projects that deal with the development of codes of conduct, labeling schemes, or other innovative schemes that address the exploitation of child labour. Projects proposals are selected by a Selection Committee chaired by Senator Landon Pearson and can involve a wide range of activities, including training, research, communication, dissemination and providing export advice to companies seeking to make a positive contribution to ending exploitative child labour through their business practices (CanadExport 09/15/97, 1, 2, 7).

While government's role in shaping, let alone regulating, its businesses abroad is small and still shrinking, many feel that government should be intervening more in order to people and the environment. An opinion poll commissioned by the Council of Canadian Ministers of the Environment (CCME) indicated that 78% of Canadians feel that environmental regulations should be strictly enforced, even in times of economic recession; and, that 78% of Canadians support Canada taking a hard-line confrontational approach on international environmental issues (CF/ACN 1996, 23).

But while it is easy to attack the Canadian government for its weak stance on human rights, it is only fair to acknowledge the complexities which must be taken into account when designing foreign policy related to trade and human rights. For example, much contention and criticism exists over the usefulness of trade sanctions in protecting human rights (*see section on Sanctions*). It is clear that the debate on how to merge human rights concerns with trade is not just black and white: whole- hearted trade promotion, or stiff economic sanctions. Rather, what is needed is a compromise between these two opposite approaches; a position that may advocate trade, perhaps even with countries that have poor human rights records, but that truly seeks to promote human rights through this trade. Government is theoretically in an excellent position to incorporate human rights considerations into international trade and investment policy and there are a plethora of policy options that the Canadian government could exercise in order to accomplish this goal (*see Annex 4 on Options for the Canadian Government to Incorporate Human Rights Considerations into Canadian Trade and Investment Promotion, Policy and Law*).

But, while the experience of Latin Americans has made it evident that there is a desperate need to ensure Canada's trade and investment interests do not serve to undercut its stated human rights concerns, the outlook appears grim. Trade Minister Sergio Marchi has already stated that "Canada is not prepared to walk away from a global investment treaty, even if it doesn't contain binding protection for labour and the environment", bluntly indicating the government's reluctance to protect human rights in the face of trade (Eggertson 1997). Moreover, the positive initiatives which our government has taken are heavily outweighed by the dominant trade agenda which bows to corporations and to US capital, in almost complete disregard of human rights concerns... Clearly, we have a long way to go before human rights is put on an equal- let alone higher- footing than trade.

III. *Responding* to the Neoliberal Agenda

3.1 International Human Rights Laws

International Covenant on Economic, Social and Cultural Rights

The key universal document of economic and social rights is the United Nations Covenant on Economic, Social and Cultural Rights, to which Canada is a signatory. *(Please see Annex 5 on the Ratification of the International Covenant on Social, Economic and Cultural Rights by Countries of the Americas).* Specifically, this covenant recognizes the right to work in just and favourable conditions, to social protection, to an adequate standard of living, to the highest attainable standards of physical and mental health, to education and to enjoyment of the benefits of cultural freedom and scientific progress (United Nations 1996, 4).

While ratified human rights covenants, such as that on Economic, Social and Cultural rights, are technically binding, enforcement provisions are weak. It does, however, have a reporting and monitoring mechanism, the Committee on Economic, Social and Cultural Rights. This body reviews national reports on implementation, and will review Canada's recent activities in November, 1998. Anti- poverty and other equity- seeking groups will be making presentations to the Committee in order to raise issues around such factors as homelessness, dependence on food banks, income discrimination in housing, etc. (Foster 02/ 20/ 98).

This Covenant is one of five major UN legal instruments that define and protect human rights, as part of the International Bill of Human Rights. The implementation of core human rights treaties is monitored by over a dozen thematic mechanisms, including committees of independent experts in the field of human rights, known as "special rapporteurs", but the UN is severely restricted in its abilities to enforce the respect of human rights. In fact, governments are known to go to great lengths to avoid being "black-listed", commonly done by lobbying, "politicking" or public relations work rather than by moderating their repressive behavior. Moreover, aside from causing embarrassment and shame to a country that commits human rights abuses, the UN system can ensue little concrete change. Even if the UN international court is used, the court's decision is non-binding and can only serve as a suggestion and as a means to apply pressure to member countries. To date, no international criminal court exists to punish the guilty (Wiseberg 1995; UNHCR web site). How to properly monitor and enforce international standards is one of the most significant challenge to the International Human Rights system, and its most fundamental deficiency (Wiseberg 1995).

International Labour Codes

International labour standards, embodied in the International Labour Code which have been set by the International Labour Organization (ILO), are international agreements on how governments intervene in their respective jurisdiction. Moreover, each country's labour code may be unique, based on which codes were ratified. This system of individual country ratification and implementation stands in contrast with the WTO, where international trade rules have been accepted as a single undertaking with few exceptions (DFAIT, internet).

The ILO has adopted more than 170 Conventions dealing with an extremely broad range of labour standards and rights. ILO Conventions are subject to individual country ratification, and when ratified, constitute a binding obligation. Any member country may lodge a complaint with the ILO against another member country which, in its opinion, has not ensured in a satisfactory manner the implementation of a Convention which both countries have ratified. A Governing Body then has the option to establish a Commission of Inquiry to examine the issue and present a report on the subject. This process may also be set in motion by the Governing Body itself or on complaint of a delegate to the ILO Conference. If deemed necessary, the Commission of Inquiry then formulates recommendations, which the concerned government then has three months to accept. If it does not accept the recommendations within this time, the case may be submitted to the International Court of Justice-- though historically, this has never happened. Action which may be taken against a non- compliant country was originally seen to be all- encompassing, which could have led to severe sanctions, but this type of action has also never been taken. Expulsion from the UN is possible, however, and has almost been the case in some recent situations, such as the case of Myanmar (Woxland 02/ 19/ 98). Since the ILO's creation in 1951, the committee has examined over 1,800 cases in countries around the world (ILO web site).

Many attempts are being made to establish a list of "core" labour rights, there is no formal international agreement on a precise list of the sort. The ILO, however, does have its own category of "fundamental human rights" conventions. They are:

- Freedom of Association and the Right to Organize (Convention 87)
- Right to Organize and Collective Bargaining (Convention 98)
- Forced Labour (Conventions 29)
- Abolition of Forced Labour (Convention 105)
- Discrimination (Employment and Occupation) (Convention 111)
- Equal Remuneration (Convention 100)
- Minimum Age (Convention 138)

In addition to the above mentioned basic labour rights, four other conventions have been designated as priority conventions by the ILO, on which reports are due every two years. These are:

- Employment Policy Convention
- Labour Inspection Convention
- Labour Inspection (Agriculture) Convention
- Tripartite Consultation (International Labour Standards) Convention (this convention is to guarantee adequate consultation between government, employers and workers)

Canada has not ratified Convention 98 (the right to organize and bargain collectively), Convention 138 (minimum work age), or any of the four "priority" conventions listed above (ILO web site). *(Please see Annex 6 on the Ratification of "Core" ILO Covenants)*

As international trade expands, it is becoming increasingly important for an internationally-accepted distinction to be made between "core" rights and other standards. The ILO and other international organizations are becoming increasingly concerned about the social dimensions of global trading arrangements, and has put together a working group on the issue (ICHRDD, 6).

3.2 Attempts to Address Social Concerns in Free Trade Agreements: Side Deals

A "side deal" refers to a parallel agreement that is annexed to an existing trade agreement. The typical purpose of a side deal is to address the social and environmental problems associated with liberalized trade.

The NAFTA Side Deals

In September 1993, two side deals were added to NAFTA, as a result of US pressure, originally stemming from various US organizations (Common Frontiers/LAWG 1996, 26). The side deals are called the North American Agreement on Labour Co-operation (NAALC), and the North American Agreement on Environmental Co-operation (NAAEC), both of which came into effect on January 1, 1994. Both side deals are essentially co-operation agreements which call on the three member governments to ensure effective enforcement of national labour and environmental legislation already in place (Social Dumping Under NAFTA, 56; Compa 1996, 1).

By calling on governments to respect their own labour regulations, the NAALC fails to create any tri-national labour standards or an "equal playing field" for the three member countries. The NAALC does not even prevent governments from lowering existing levels of protection (Social Dumping Under NAFTA, 56; RMALC 1994, 3). What the side deal has done, is establish two means of filing complaints; (1) through the dispute settlement, where complaints must be filed from one government against another; and (2) through a public submission process, whereby individual complaints may be made to a Secretariat, but no financial penalty or compensation can be rendered (Cote 1997).

Unfortunately, both of these mechanisms are severely limited. The dispute settlement requires an unrealistic amount of documentation, evidence, time and action, while the maximum penalty that could arise is a *government* fine—with no punishment for the violating *company*. As for the public submissions, the type of complaints are excessively narrow in scope, and the necessary procedures are also difficult and long (up to 865 days)-- again, with no possibility of significant penalties. In short, the NAALC has no deterrent effect (Social Dumping Under NAFTA, 60; Compa 1996, 2; Cote 1997).

The NAALC can only offer retribution on three issues which must fall under three conditions: health and safety; work of minors; and respect for minimum wages. These cases must be "systematic violations, recognized by both parties, and affecting the production of goods and services traded between the signatories to NAFTA" (RMALC 1994, 2).

Because the NAALC does not address problems caused by the lack of regulation, fundamental rights such as the right to organize, right to collective bargaining, freedom of association and the right to strike cannot be reviewed or disputed under the side agreement. Moreover, the specifications and conditions which apply to the laws that it does cover make it difficult, if not impossible, to effectively bring any violations to justice (CF/ACN 1996, 26).

Moreover, the few laws that fit within the NAALC's narrow protection and are actually subject to review, commonly do not receive proper enforcement. Authorities are permitted not to enforce national labour laws if a decision is made to allocate enforcement resources to 'higher' priorities, or if governments choose not to do so. Criticism has been particularly acute in Mexico, where Mexican labour legislation is one of the most advanced in the world, but where compliance is almost non-existent (Common Frontiers/LAWG 1996, 25).

Much debate resides around the effectiveness of the NAALC, and whether or not it may offer an effective protection of labour with modification and strengthening, or whether it serves only to quell public concern and ease political pressure. The works by Lance Compa (1996) and Stephen Herzenberg argue that NAFTA's labour agreement could be creatively manipulated to advance workers' rights in the globalizing economy. Conversely, the Mexican Action Network on Free Trade (RMALC) advocates that the current NAALC is ineffective, and requires numerous modifications in order to be otherwise. RMALC's position is outlined in "Comments from our Mexican Counterparts on Labour and Environmental Issues (1994).

Based on experience, however, the NAALC has fared poorly. By 1997, only four cases had entered the mechanisms created by the NAALC, all of which left labour rights advocates frustrated and disappointed with the results (Compa 1996, 4). More recently, in the spring of 1998, the first complaint ever was filed at the Canadian National Administration Office of the NAALC, giving the NAALC a new opportunity to prove its worth: Forty labour and human rights groups filed a complaint on behalf of Mexican auto parts workers at the US- owned Echlin Corporation factory, after 150 armed goons forced workers not to vote for an independent union, but for the government- sponsored union, the CTM instead (Eggertson 04/ 07/ 98). While there is hope that this case will lead the NAALC to live up to its intended purpose, it has proven itself to be ineffective and worthless in dealing with social dumping as a whole, and incapable of securing decent working conditions for Mexican people.

Likewise, NAFTA's environmental side deal, the NAAEC, has experienced the same kind of inadequacies, limitations and criticisms. Rather than effectively monitoring the enforcement of environmental laws and seeking retribution for any violations, the NAAEC's role has been effectively limited to information and co-operative exchanges between the NAFTA countries. Although the side deal established two channels for firing petitions if governments fail to enforce environmental laws, the NAAEC's narrow definition of "environmental law" and its particular conditionalities have translated into long, difficult processes for action, leaving the agreement 'toothless' (CF/ACN 1996, 27; Cote 1997).

The NAAEC has focused largely on developing information systems, a library, data bases on environmental law in all three countries, and work on environmental indicators. Only one petition, concerning a major die-off of migratory birds on a reservoir in Mexico, was accepted for review under the NAAEC. Petitions concerning the suspension of US environmental laws—among several others—were deemed to be beyond the NAAEC's mandate (CF/ACN 1996, 27; Dillon 1997).

The Canada-Chile Side Deals

Like NAFTA, the Canada-Chile side deals correspond to labour and environmental protection, through the Canada-Chile Agreement on Labour Co-operation (CCALC) and the Canada-Chile Agreement on Environmental Co-operation (CCAEC). Despite much citizen protest to improve upon the inadequacies of the NAFTA side agreements, the Canada-Chile side-deals were intentionally cloned after its NAFTA predecessor, with the intention of facilitating Chile's future integration into NAFTA.

The CCAEC "commits both countries to enforce their environmental laws, to work together to protect and enhance the environment, and to promote sustainable development" (DFAIT 1997, III). However, in addition to the weaknesses described above in the NAFTA side deals, the Canada-Chile side deals are even less effective. For one, these side deals currently lack any institutional structure, including permanent staff and a commission (Cote 1997). Moreover, as most Chilean laws were framed during the days of the Pinochet dictatorship, which has left labour and environmental standards and enforcement weak or non-existent. Indeed, Chile's labour law does not properly address the rights of organization, bargaining and the right to strike (Geman & Hager 1995, 23).

According to the Canadian Labour Congress (CLC) and the Chilean trade union movement (CUT), these side deals could have been very positive steps forward if they included clauses to improve labour standards by ensuring the right to freedom of association, collective bargaining, equal pay and non- discrimination, as well as standards which prevent child labour and require a minimum age of employment (Canadian Labour Congress 1996).

3.3 Alternatives to Address Social Concerns through Trade Agreements

Currently, there is no unanimous left alternative to the neoliberal economic model. Several alternatives have been put forward, though much debate surrounds each one. At best, one or some of these strategies may represent a viable solution, or at least a positive first step in addressing social concerns related to trade. At worst, they are causing a rift between NGOs and other popular organizations, and perhaps distracting popular society from mobilizing for real social change. At the core of the debate is the question of whether or not trade agreements are the most effective way through which to ensure the leveling up of social standards. What follows is a general outline of the debates around these issues:

The Social Clause

The social clause is intended to ensure the respect of basic labour rights, through bi/ multilateral trade agreements (CF/LAWG 1996, 32). A social clause would be annexed to trade agreements, which could include the international trade agreement at the WTO, and would set "core" labour rights, not standards (LIDC Forum 1997, 2). There is no consensus over which labour rights would be defined as "core", though there is general consensus that a social clause would have to include the right to freedom of association, the right to establish independent trade unions and the right to bargain collectively. Some feel that with these rights guaranteed, no other labour rights are needed to be specified within a social clause (Broadbent 1998, 9). Others argue that a social clause must include a ban on convict and forced labour, non- discrimination in employment and on exploitative child labour, and that it should also include protections on safe and healthy working environments, fair wages, fair working hours and overtime (Forcese 1997, 25).

For the Social Clause	**Against the Social Clause**
Neoliberal economic integration is inevitable, and the social clause is a necessary minimum to be linked to effective enforcement mechanisms, other than the inadequate voluntary ILO conventions that exist at present.	This approach would weaken social movements by diverting financial and human resources into expensive court cases, instead of mobilizing for change.
To bring a social dimension to the WTO and all trade agreements, incorporating the goals of social development and the issue of equitable distribution and losses.	A "social clause" should not be added to any trade agreements, including the WTO agreement, as they are not tribunals able to judge the violations of human rights, labour standards or environmental standards, nor does it have the legal instrument to impose sanctions.
To ensure that workers benefit from economic growth through wage increasing in line with economic productivity.	Such international trading bodies are not open, transparent, democratic or responsive. A social clause would serve no effective purpose here.
Any progress made with a social clause in the WTO would automatically apply to NAFTA and other bi-or multilateral trade agreements.	A social clause for the WTO may only lead to an excuse for Northern protectionism against Southern exports, claiming that developed countries want to take away the comparative advantage of the developing nations (DLC & SALIGAN 1996, 1; NGO Statement, 10).
	Many feel that the WTO is such an undemocratic, Northern-dominated entity that we should not bring social charters there (Common Frontiers/LAWG 1996, 20); a social clause in undemocratic international trading bodies could not be open to citizen participation.

The Social Charter

The social charter has a broader scope than the clause, encompassing not just basic labour rights, but political, social and cultural rights as well. This could include issues of political participation, economic justice, the environment, health, education, housing, social security, conditions in the informal sector, ethnicity, gender, and child labour issues. The social charter seeks to somehow produce a legal instrument to mitigate or improve the negative social impacts of free trade. This would entails establishing the charter's exact content, including viable enforcement mechanisms, and lobbying for its adoption (CF/ LAWG).

For the Social Charter	**Against the Social Charter**
Neoliberal economic integration is inevitable, and the social charter is a necessary minimum to be linked to effective enforcement mechanisms, other than the inadequate voluntary ILO conventions that exist at present.	Social charters implicitly accept the neoliberal model of economic integration, and should be rejected on ethical and philosophical grounds.
	Social charters are state-focused interventions which divert attention from corporate power.
	A social charter may represent a major, positive step for the labour and environmental movements, but only on paper; How would they monitor and enforce their covenants?
	A juridically-based approach, as dictated by a social charter, would quell popular mobilization, detracting from real movement towards effective social change.
	The enforcement mechanisms set up for social charters would likely be dominated by the United States.
	Such international trading bodies are not open, transparent, democratic or responsive. A social charter would serve no effective purpose here.

It is important to note that some advocate for either the social clause or charter, while others advocate for both. Either way, people are grappling over complex questions surrounding; what their exact substance should be; where they should be implemented (i.e. in what institutional body/ies); and how they should be operated, calling monitoring and enforcement issues into question. And then, of course, there are those who oppose both of these strategies as viable options, arguing that social concerns cannot be properly addressed within trade agreements.

The Social Charter as a Manifesto

Recently, a spin off of the social charter has emerged. Rather than viewing the social charter as a legal code implemented within a broader trade agreement, the social charter is being reconceived as a vehicle for mobilizing around a broad social agenda for change. This approach entails the building of a social movement where the well-being of individuals, community and the environment are given priority throughout the process of globalization (CF/ LAWG 2, 38). The mechanisms of this approach could vary, and are likely to involve advocacy, activism and an organized and concerted effort among popular organizations.

Positions of Various Groups

Social Clause	**Social Clause Under Certain Conditions Only**	**Social Charter**	**Social Charter as a Manifesto**	**Alternative**
Social clauses are necessary and should include standards on health and safety in addition to "core" rights. An Economic and Social Forum should exist for each trade agreement, where workers and companies are represented. • Unions of Mercosur countries	A social clause in the WTO is inadequate unless drastic revisions are made to the trade agreements themselves, to fundamentally make them sustainable. Fundamental changes would also be needed at the WTO, to make it democratic and transparent. • RMALC	Each trade agreement should have a social charter as a starting point, which should complement a social clause. • CLC • CUT- Chile • ORIT • ICFTU	A Citizen's Charter is needed to provide a vehicle to further the demands and defend the rights of various sectors of civil society. Institutions are needed to ensure civil participation and enforcement of the charter. • Popular Organizations in Chile	Must oppose all trade and investment agreements that advance the corporate agenda over a model of equity, sustainability and well- being for all. A social clause or charter is not enough, and it is naive to think that the WTO to truly defend workers' interests • Council of Canadians
Each trade agreement should have a social clause at the WTO, with core labour standards identified by ILO and not including wages. The social clause must be strongly enforced. • CLC • CUT- Chile • ORIT • ICFTU	Social clauses, if viable at all, must not be housed at the WTO, and should include rights only, not standards (which would affect the competitiveness of and employment in developing countries). • TWN			International free trade agreements should be replaced by a national development model. • FAT
				Strong social mobilization is needed to really address workers' rights-- a social clause would be useless without it. • WWW

CLC= Canadian Labour Congress
CUT- Chile= Chilean trade union
ICFTU= Confederation of Free Trade Unions
ORIT= Inter- American Regional Organization of Workers

RMALC= Mexican Action Network Against Free Trade
TWN= Third World Network
WWW= Women Working Worldwide

3.4 Corporate Responsibility

Corporate Codes of Conduct and Independent Monitoring

Given that the Canadian government is taking a backseat in regulating business activity, and given that international business has an increasingly large stake in dictating the status of human rights in today's global economy, the onus is falling on business to voluntarily act responsibly and regulate itself.

One way of doing this is through the adoption and implementation of a corporate code of conduct. A corporate code of conduct is a statement of principles by which a business agrees to abide voluntarily over the course of its operations. Today, about 60% of the largest Canadian companies have corporate statements and objectives, only a fraction of which are well-developed codes of ethics that focus on issues of social responsibility, and not on the protection of the firm. Of this minority, it is unknown how many actually enforce their codes (Forcese 1997, 14; 15).

In September 1997, the Canadian business community designed a voluntary International Code of Ethics for Canadian Business, the first Canadian attempt to standardize a code of business ethics and responsibilities. Among some of the principles enshrined within the code, signatories are to support and promote the protection of international human rights within their sphere of influence, and not be complicit in human rights abuses. Signatory businesses are also to ensure the protection of workers and that their work is consistent with sound environmental management and conservation practices. At present, there are only 14 signatories (*Please see Annex 7 on the principles enshrined within the code, the application of the code,, and a complete list of signatories*). As it stands now, however, the Code is non-binding, unenforced, and unmonitored (DFAIT 1997). Additionally, the language of the Code is very vague and weak, particularly in its application and in its lack of coverage with respect to investment in countries where human rights are violated. Work continues to be done on this Code, in order to expand its list of signatories and strengthen its values and principles. The long-term goal of the Code includes external monitoring, to more effectively hold the signatory companies accountable (Gossem 1997). In the mean time, however, the Department of Foreign Affairs has reportedly expressed little interest in applying the code to international operations of Crown corporations, while business associations have no plans of recommending the Code to their members (Forcese 1998, 35).

Moreover, while the code appears to represent a major business initiative to address social and environmental concerns, it may in fact be in the better interest of the businesses itself, as it eliminates the apparent need for the Canadian government to impose binding and enforceable legislation in its place. The Code may also be serving to yield a positive public image for signatory companies, as codes of conduct often do, which may be rendering their products more attractive to consumers, even though it may be doing little in practice. Nevertheless, the Code provides a glimmer of hope that maybe one day, with more time and effort, the code will be imposed on all Canadian companies with effective monitoring and enforcement mechanisms in place.

In terms of what the ideal corporate code of conduct should look like, the Taskforce on the Churches and Corporate Responsibility (TCCR) published a document entitled "Benchmarks for measuring business performance: principles for global corporate responsibility" in October 1995.

Although this work is currently being followed up by a revised version, "Benchmarks", it clearly outlines the various principles, criteria and bench marks for corporate responsibility, with regards to ecosystems, national communities, local communities, shareholders, employees, as well as customers, suppliers and contractors.

In addition to their exact content, there is much contention over the issue of codes of conduct: their usefulness, their implementation, etc. One essential ingredient for an effective code of conduct is that the workers know about the Code and how it works. Another crucial element, is proper monitoring (CLC 1996, 3) which, according to the Maquila Solidarity Network, must be done by an independent body, be institutionalized, 'indigenous' (performed by local people), on-going, trusted, transparent and knowledgeable (for more information on this, see the report by the National Labor Committee 1997 *and Putting Conscience into Commerce* by Craig Forcese).

The importance of proper monitoring is well illustrated by the case of Nike. After much public pressure and international consumer campaigning, Nike finally agreed to have its corporate code monitored, but only by the Ernst & Young public accounting firm, not by local NGOs. As a result, Nike has come under much criticism, as critics worry that accountants on North American payrolls cannot properly serve as corporate monitors. These concerns were recently brought to light when an internal Ernst & Young report was leaked to the Transnational Resource & Action Center (TRAC) in San Francisco: Despite Nike's claims in March, April and September of 1997 that its factory in Vietnam was in full compliance with its code, TRAC revealed that the factory's 10,000 employees, mostly women between the ages of 18 to 24, were being exposed to carcinogens and to a dangerous solvent, toluene, with poor ventilation systems. Workers had no knowledge of the dangers of the carcinogens and solvents and were forced to work up to 65 hours a week, for which they earned slightly more than US $10 (Reuters News Agency 10/11/97). This case has called into question the findings and methodology of Ernst and Young, and highlights the need for truly independent monitoring (Corporate Watch 07/11/97).

But the dilemma over effective monitoring does not end here. The experience of the Gap reveals that independent monitoring is not a panacea. Having been the target of a concerted international consumer pressure campaign, the company agreed to try independent monitoring in its El Salvador sub-contracting plant in 1996. Monitoring of this Taiwanese-owned factory is being done by an Independent Monitoring Group which includes the Human Rights Institute of the University of Central America (UCA), the Human Rights Office of the Archdiocese of San Salvador, and by the Labour Studies Centre (CENTRA). Without a doubt, this model of monitoring has led to major improvements in the working conditions of the plant. But problems have been cited as to whether or not workers truly trust the monitors, even though they are 'independent' and 'local', and a serious concern has been raised as to whether the monitors are in fact substituting a union. Although the Independent Monitoring Group has insisted that it is not acting as such a substitute, it has admitted to going beyond a narrow definition of monitoring and playing a conciliatory role between workers and management. This could be lending itself to paternalism and to the disempowerment of workers (Maquila Solidarity Network January-March 1998, 2- 3; Ballinger 1998; 1; 9; 11).

The Gap has also highlighted the fact that resources for this kind of monitoring, especially if it is to ever be applied universally, pose a serious problem. To date, independent monitoring has been funded by the monitoring group, based on the fundraising capacity of advocacy and rights groups. While most advocacy groups feel that this cost should be accounted for by the company, this could jeopardize the independence of the monitoring. One possible solution is to seek the levying of a service fee, tariff or surcharge among monitored companies and to pool this income into a fund to pay for monitoring (National Labor Committee 1997). In our globalizing economic system, however, such monitoring would realistically have to be implemented on an international scale, otherwise countries that would be "monitor-free" would gain an unfair "comparative advantage". This would only perpetuate the problem of labour violations in countries with the lowest, unenforced labour standards, while it would cause massive unemployment in regions which became monitored. To date, the only other maquila in Central America where independent monitoring has been negotiated is the Kimi factory in Honduras, although groups in Nicaragua and Guatemala are also discussing establishing monitoring groups.

Initiatives in Promoting Corporate Responsibility

The White House Apparel Industry Partnership

On April 14, 1997, U.S. President Clinton and members of an apparel industry task force-- made up of top officials of major U.S. clothing and shoe manufacturers, religious investors, labour unions and human rights and consumer groups-- announced an agreement to end sweatshop conditions in apparel industry factories in the U.S. and abroad (TCCR 2nd Quarter Mailing 1997, 35- 37).

The task force created its own code of conduct which is to be respected not only by the signatory American companies, but also by their contractors. They agreed that wages must rise to adequately meet the basic needs of employees, including some discretionary money, and that child labour (referring to children under 14 or 15) and forced labour must be eliminated. They also recognized the need to respect workers' rights to organize, to bargain collectively, and to work in a safe and healthy environment, free from harassment and abuse (Ibid).

The task force also created an Association to monitor the enforcement of the code among apparel manufacturers and their suppliers. Under the deal, companies may select accounting firms to serve as monitors, but such firms must work with local human rights organizations. Companies that comply with the code will be able to put a label or tag on their clothing, to assure consumers that the item was not produced in a sweatshop (Ibid).

Participants said that they hope that other of American companies will commit themselves to meeting the standards they have set, and that the effort will eventually lead to work standards for the clothing industry worldwide.

The Forest Steward Council

The Forest Steward Council (FSC), founded in 1993, is a global forest certification system, and the only one in operation throughout the world. It is an international, non-governmental membership organization which aims to promote "environmentally responsible, socially beneficial and economically viable management of the world's forests" (Sullivan 1997).

Members must join the FSC according to three chambers: environmental, social, and economic. Each chamber is allocated 33.33% of the total voting weight of the membership. Each chamber is further divided along North/ South lines, in order to ensure that no sector or interest can claim control of decisions. Membership includes a wide range of interests, including the Home Depot, Greenpeace International, and the Taskforce on the Churches and Corporate Responsibility (TCCR). As of February 1997, the FSC included 174 members from 37 countries, covering 1.3 million hectares of forests in 17 countries (Ibid). The area of the world's forests being certified has been growing steadily ever since, and is expected to double in the next few years (Kiernan 1997, 10).

The FSC certification system is based on agreed regional standards, which are in turn based on a set of internationally agreed Principles and Criteria of Forest Management. Independent companies are responsible for monitoring and auditing FSC members, and award FSC- endorsed certificates (a globally recognized trade mark) to forests whose management meets the agreed standards. As of February 1997, there were five accredited certifiers who had given 51 FSC-endorsed certificates (Ibid).

Currently, the FSC is trying to bring national standards into harmony, in order to make sure that each country's national standards do not have major contradictions. The use of chemicals and exotic species are key areas of divergence. The FSC is also in the process of working on developing policy on how this trade mark can be used on products with multiple sources and in relation to percentage based claims, such as recycled content (Ibid). A high priority is now being given to a membership campaign to increase social participation in the FSC (Irvine 1997, 9). Yet another growing need for the FSC which is being dealt with, is the need for FSC- accredited certification bodies in the southern hemisphere, in order for forest certification to become affordable for forest managers worldwide (Kiernan 1997, 10).

3.5 Advocacy and Other Grassroots Strategies

Consumer Campaigns

Successful campaigns targeted at the GAP, NIKE, Starbucks and others have demonstrated that labour power and consumer power can combine to be an effective tool for confronting corporate rule and demanding the protection of labour standards (CLC-FES 1996, 11). Educational/consumer campaigns, boycotts, buycotts, and positive labeling of consumer products are all mechanisms available to consumers and social advocates which can be used to increase international workers' solidarity and demand corporate responsibility.

Corporate campaigns are excellent ways of affecting positive change and mobilizing the public on issues which involve them. Consumer campaigns must always take the lead from the workers themselves, and in this way support and empower workers to make the changes they deem necessary.

The Labour Behind the Label Coalition, in conjunction with the Maquila Solidarity Network is currently undertaking various corporate campaigns to raise public awareness and challenge corporate control and violations of basic labour rights of its workers. This coalition is using advocacy tools, such as lobbying public institutions, leafleting, rallies, letter writing, store visits, workshops, media interviews, education and action to accomplish its goals.

The coalition warns that the advocacy strategy of official boycotts must be undertaken with extreme caution, taking the needs of the workers in mind. A boycott is a risky strategy in that it may cost workers their jobs, and not motivate companies to settle disputes. Therefore, it is crucial that workers authorize a boycott before a boycott campaign ever get organized. Public pressure and media attention focusing on the image of products and the reputation of companies (such as the campaigns against the GAP and Phillips-Van Heusen), have proven to be very successful, without official boycotts (Label Behind the Labour 1997, 6).

A plethora of other initiatives have been and are currently being undertaken by organizations, such as the campaign concerning sweatshops being undertaken by the Canadian Labour Congress (CLC) (Hutchison 1997). A national petition has been organized by the Labour Behind the Label Coalition for a federal task force on the garment industry, to stop sweatshop abuses of garment workers (similar to the US "No Sweat" Initiative). The petition calls upon Prime Minister Chretien and Foreign Affairs Minister Axworthy to convene a federal task force (similar to the White House Apparel Industry Partnership) to include representation from retailers, manufacturers, unions, and religious and human rights groups to begin important discussions on how to stop sweatshop abuses and guarantee respect for basic worker and human rights in the garment and footwear industries in Canada and abroad. A meeting is anticipated in April 1998 between Axworthy and social justice workers, to begin discussion on this initiative.

Social labeling is yet another strategy being used to empower consumers and combat abuses, such as cruel child labour. This approach attempts to label products that have been made under non-exploitative conditions. Several labeling initiatives that exist to target child labour include; The Rugmark Carpet Initiative; the Kaleen label for carpets; the Care & Fair label; the STEP label for carpets; the Double Income Project; the Abrinq labeling initiatives; and the International Federation of Football Associations (FIFA) label/seal of approval (ILO web site; CLC 1996, 6).

The hard work and patience of advocacy and consumer groups has begun to pay off. In January 1998, an agreement was signed at the Han Young maquila factory in Tijuana, Mexico, recognizing their independent union as the sole bargaining agent. And, in Nicaragua, 30,000 people signed a petition in support of a Code of Ethics developed by the Central American Network of Women in Solidarity with Maquila Workers. In addition to the right to organize and bargain collectively, and to respect the minimum working age of 14, the Code promotes the rights of women maquila workers on issues such as discrimination; wages; physical, psychological and sexual abuse; social security benefits; health and safety; overtime; and the rights of pregnant workers. On February 1, 1998, the Nicaraguan Minister of Labour signed a proclamation for the free trade zones based on a Code of Ethics, which was later signed by the owners of 23 maquilas in the Mercedes free trade (Maquila Solidarity Network 1998, 6).

Social Investing and Shareholder Activism

As people living in the developed world, there are things we can do in our daily lives to minimize the negative impacts felt in other parts of the world by our actions. Likewise, "social investing" is another means of empowering the socially- conscious. Social investing houses exist today, for people who wish to invest their money, but only in companies that are responsible corporate citizens with ethical business practices. In addition to the social and ethical advantages of social investing, a five-year study revealed that social investments perform as well or better than regular investments (TCCR 1997, 56).

However, "ethical" or "green" investment funds have received much criticism. The criteria with which companies are judged to be "ethical" or "green" rarely takes all of a company's activities into consideration, such as the treatment of its worker and its environmental track records. Instead, companies not involved in the production of cigarettes or arms, or companies with "cutting edge" codes of conduct, will typically be judged to be "responsible", regardless of their actual behaviour at home or abroad. For these reasons, many social investment funds have been labelled as little more than well- thought- out marketing schemes. Unfortunately, the only way of truly ensuring that the company in which you wish to invest acts responsibly and ethically, is to research the company yourself. This can prove to be a very time consuming and unfruitful process.

Another way to ensure that your investment dollars are not contributing to exploitative environmental or labour practices, is through shareholder activism. By asking management to include proposals in mailouts to shareholders before annual general meetings (which would then be voted on), shareholders may express their concerns regarding certain issues and challenge some of management's policies and operations. The Taskforce on the Churches and Corporate Responsibility (TCCR) has been a strong shareholder advocate, usually through meetings with senior management and asking questions at annual shareholder meetings, in addition to occasional shareholder proposals. However, in addition to TCCR's proposals, only about a dozen other proposals were submitted to corporations in Canada between 1982 and 1995, which compares extremely unfavourably to the US, where 701 proposals were submitted in 1994 *alone*. One reason for this may be that there are more legal impediments at play in these kinds of procedures in Canada (*see Forcese 1997 pp. 64- 70 for more details*).

While shareholder activism has not proved to be a very feasible means of achieving corporate responsibility in Canada, its future potential is bitter sweet. A recent survey found that 45% of Canadian institutional shareholders of public pension funds indicated that they would engage in some form of activism when in strong disagreement with a key direction taken by management, whereas 21% of private pension funds and 30% of investment counsellors indicated that they would become active. Though this study looks promising at first glance, the substantial percentage of shareholders who are willing to become active, superimposed over Canada's weak record of shareholder activism, indicates that Canadian investors are simply not attentive to human rights concerns, as they are not in strong disagreement with management over human rights issues (Forcese 1997).

Alternative/ Fair Trade

Alternative trade or fair trade aims to benefit the poor, not to maximize profits. As such, it looks beyond the "bottom line", giving business a social conscience. By reducing the number of middlemen and minimizing overhead costs, fair trade organizations return up to 50% of the retail price of an item to the producer. Producers are paid living wages and are generally organized into cooperatives. Democratic principles are used in decision- making processes, and earnings are generally distributed equally among producers. Co-ops are encouraged to provide benefits such as health care and access to loans, while the producers are encouraged to re-invest their profits into their communities. Many fair trade organizations are also committed to advancing public awareness of ethical business practice through education. In these ways, fair trade organizations empower the small producers and those who would normally be pushed to the sides of the global economy. Today, alternative trade accounts for about 0.001% of all global commerce, equivalent to US$3.6 billion (Ten Days 1997; Fair Trade Federation 1997, web site).

Bridgehead, owned by OXFAM- Canada, is one such alternative trading organization. Bridgehead's fair trade products include coffee from Nicaragua and Tanzania, tea from Sri Lanka, cashews from Mozambique, vanilla from Madagascar, as well as crafts, clothes and household items that reflect local cultures around the world. Today, one hundred different groups are involved in this network (Ten Days 1997).

Equal Exchange is another alternative trading organization that roasts and packages coffee in a variety of forms (Ibid). SERV International, one of the largest fair trade wholesalers that works with over 90 artisan groups in dozens of countries, returned over 45% of its sales to its producers (this figure may be compared to the roughly 0.06% of Disney's clothing sales that are paid to its Haitian producers). The SELFHELP Crafts of the World, Max Havelaar coffee, and Ganesh Himal Trading are other examples of fair trade organizations (Fair Trade Federation 1997, web site).

Social Movements and International Solidarity

The Liberty Referendum in Mexico

Other strategies which have developed in response to the negative effects of neoliberal economic policies have focused not at targeting corporations on a case by case or sector by sector basis, but on bringing about broader, more fundamental changes to the entire political- economic system. Social movements have been emerging and are building international solidarity and concrete alternatives. One example of this is the Liberty Referendum in Mexico, where civil society has co-operated to speak out against neoliberal economic policies, and to formulate an alternative Citizens' Plan for economic recovery and sustainable development. The sponsors of the Liberty Referendum are not only unionists and environmentalists, but also small-scale business people, campesino organizations and the debtors' movement (known as "El Barzon"). One of their key demands is the *re-negotiation* of several chapters of NAFTA, in order to truly add a social dimension to the entire agreement, and not just as an attachment to it. As of November of 1995, as many as 414,649 Mexican citizens had endorsed the Liberty Referendum's proposed alternative economic policy (ECEJ 1995, 9-11). In Canada, the Alternative Federal Budget Committee has been designed to accomplish similar goals (Dillon 1997).

The Hemispheric Social Alliance

This type of co-operation and organization is beginning to occur at the international level as well, as seen by the hemispheric social alliance which is growing between labour, social and environmental groups. The alliance is organizing to confront their governments over the inequities caused by deregulated free trade, while concretely focusing their efforts on the proposed FTAA. Most recently, this growing alliance met in Santiago, Chile, for a "People's Summit" when the leaders of the hemisphere's nations met for the Second Summit of the Americas in April 1998, to advance the proposed FTAA (CLC Communiqué 1997). Over 2,000 participants took part in the People's Summit, including approximately 60 Canadians, two (2) of whom represented ICCHRLA.

Labour- Based Solidarity Work

Labour-based development funds are also emerging as a way to work more systematically on international solidarity. In Canada, five major national trade unions have created new development funds over the past decade. These humanity funds have been formed by Canadian Steelworkers, the Communications, Energy and Paperworkers, the Canadian Auto Workers, the Canadian Union of Public Employees, and by the Ontario Secondary School Teachers. The funds have created a new space for new kinds of labour connections, a renewed sense of civil society and a new practice of global solidarity. By working with counterpart workers in the South, these humanity funds have created solidarity between workers, and has enabled them to fight together to increase labour standards and affect other positive change (for more information, see Marshall 1997; Steelworkers' Humanity Fund 1997).

The Ecumenical Jubilee Initiative

The Ecumenical Jubilee Initiative is another attempt to bring about social change and increased international solidarity. Churches and inter-church coalitions around the world are joining together to proclaim the biblical tradition of Jubilee, promoting a vision of hope, a strong call for social justice and a new beginning for the year 2000. The biblical meaning of Jubilee refers to the Israelites' determination to celebrate a Jubilee every 50 years as a witness to their belief in God's reign over all (Lev.25). The Jubilee was intended to renew society, to restore equality and justice, and to protect and nurture the land.

The Ecumenical Jubilee Initiative interprets the biblical Jubilee into concrete policies that are needed to address social inequities in Latin America and throughout the world. The Jubilee represents a moment where churches and coalitions can join their efforts in nurturing social movements, of giving voices to the marginalized, and calling on governments and decision-makers for change.

At its core, the Jubilee initiative has three themes: the release from bondage, which will translate in urging governments and business to establish policies that support workers' rights and to cancel the unpayable debt of the world's poorest nations; the redistribution of wealth, which will focus on re-valuing our society based on principles of social justice and equality; and the renewal of the earth, which will promote environmental responsibility and protection.

Over 25 groups and organizations are involved in the Canadian Ecumenical Jubilee Initiative, including ICCHRLA. Participating churches and coalitions will coordinate campaigns, beginning in May 1998, around the Jubilee themes, while an understanding of the social justice tradition in Christianity will be fostered through theological reflection, bible study and global exchanges. The Jubilee themes also offer an opportunity for local and national education for social justice-- in this way seeking to remedy some injustices related to trade and human rights.

The campaign on the Canadian Ecumenical Jubilee Initiative can be contacted by telephone at (416) 922- 1592, or jubilee@devp.org.

3.6 *Unilateral or Multilateral Tools for Regulating Investment and Trade*

The Tobin Tax and Other Tax Reforms

Approximately one trillion US dollars of foreign exchange transactions take place daily around the world. It is estimated that over half of these transactions are turned around within a week. It is also estimated that only between 3% to 18% of the total foreign exchange transactions are tied to production. This kind of excessive capital speculation can be very destructive, leading to the erosion of national governments' independence and autonomy, including governments' inability to direct equity distribution (Sierra Club web site). It can also lead to economic crisis, such as the experience of the Mexican crisis in 1994.

The Tobin Tax is a proposed tax on currency exchange transactions, with the aim of deterring short-turn-around transactions and mitigating some of its undesirable effects.

The Tobin tax is beneficial in several ways. First, the tax (which has been proposed to be between 0.1% and 0.25%) would deter currency speculation, providing more stability to the business system. With less pressure on their currencies, national governments should have more leeway to reduce interest rates and their debt service payments so that their revenues can be directed directly to programs in support of sustainable well-being. Also, the revenues earned by the tax can be used for benevolent purposes, to enhance well-being, via national governments or international agencies (Dillon 1997, 98; Sierra Club web site).

The tax could be administered by national governments, but would be imposed at the same rate everywhere, internationally. One idea concerning the implementation of the tax is that it be encouraged by making it a condition of membership and borrowing at the IMF. An alternate suggestion is that the tax money be collected by the service agencies that broker the transactions. Centres that impose the tax could also regulate or tax transfers to centres who do not charge the tax, to ensure that the tax is levied (Sierra Club web site).

Much debate has emanated around the Tobin Tax. Many oppose the tax, arguing that, in isolation from other measures, it would greatly increase costs for financial service sectors and for corporations involved in international business– even for those not necessarily engaging in speculative trade. The Tobin Tax has received a lot of attention via the United Nations Development Program, but was rejected by G-7 finance ministers as a discussion item at their 1995 meeting (Sierra Club web site). The adoption of a Tobin Tax is still actively being promoted by various groups throughout the world, most notably in Canada, the Halifax Initiative. *(For more information on the Tobin tax, please see "Turning the Tide: Confronting the Money Traders" by John Dillon).*

Other options to control currency speculation include a "Domestic Financial Transactions Tax", like the Tobin tax but applied to domestic transactions like stocks, bonds, and money markets in Canada, and possibly even to cheques, bank withdrawals, etc. Such a tax would impose direct currency controls, requiring portfolio investment to remain for a minimum period, fixing global interest rates, and a "Data Tax" on information exchange. *(For more information on these, please see the paper by Jane Inch under the Sierra Club web site. Also, see chapter 5 in*

"Turning the Tide: Confronting the Money Traders" by John Dillon). Additionally, a form of "ecological fiscal reform" could be implemented by policy makers, whereby the tax system can be used to promote beneficial behaviour (for example, by shifting taxes away from environmentally and socially sustainable behaviour and towards those that are unsustainable or unjust), and discourage undesirable behaviour, such as excessive currency speculation. This would require an integrated assessment of tax and social policy (Sierra Club web site).

Sanctions

There are at least 38 different kinds of sanctions that a government can implement: d*iplomatic and political measures*, such as cancelling negotiations, reducing diplomatic representation, severing diplomatic relations, etc.; *cultural and communications measures*, such as cancelling exchanges, banning tourism, suspending communications links, etc.; *economic measures, such as* cancelling aid, freezing assets, banning the movement of goods, services, or capital, etc.; and/ *organizational penalties, such as* suspension or expulsion from international organizations. More generally, sanctions can be classified in two categories:

(1) *smart sanctions*: specifically- targeted sanctions, such as visa restrictions, education restriction, military restrictions, etc.

(2) *general sanctions*: trade blockades or embargoes.

Economic sanctions can fit into either of these two categories, and can take the form of impeding exports to/ imports from the targeted country and restricting financial flows; degrading trade by withdrawing most favoured nation or General Preferential Tariff privileges; blocking IMF or World Bank projects; or imposing a trade blockade or embargo. Economic sanctions can be used for many purposes:

- as a means of deterring a target from wrongful behaviour;
- to compel an offending state to abandon its behaviour that the sanctioner deems to be wrongful;
- to directly ameliorate the problem by limiting the oppressive government's capacity to engage in the offensive practices (for example, by discontinuing the supply of military equipment);
- to cause the government to be overthrown by the discontent brought about by the sanctions;
- expressing domestic and international symbolism; and out of retribution, a simple desire to hurt the wrong- doing for having done wrong.

But much debate exists over the effectiveness and impacts of economic sanctions. The following list briefly outlines the debate around economic sanctions:

FOR Economic Sanctions	**AGAINST Economic Sanctions**
Effectiveness: By causing harm to a country's economy, offending regimes may be prompted to cease their violations.	Sanctions give the appearance of firm action in the face of evil, but human rights violators may go unpunished by sanctions while the innocent bear the brunt
Sanctions could directly ameliorating the problem by limiting the oppressive government's capacity to engage in its offensive practices (for example, by discontinuing the supply of military equipment).	Sanctions appear to work well only when the sanctioned country has an electoral system in place, where governors can be affected at the ballot box and therefore must bend to peaceful domestic pressure.
Symbolic: Wrongdoing must be punished in some way in order to encourage the development of just norms in the international community.	Sanctions have a (false) appearance of being a peaceful means of statecraft which may give policymakers an excuse to avoid taking harsher measures, such as military intervention, when needed.
International initiatives for sanctions and the mobilization of widespread popular support for oppressed people in the sanctioned country contributes very positively to the morale of those struggling against the system	Sanctions are not peaceful– they slowly kill innocent people through economic hardship, particularly children and society's poorest, making access to food and medicine more difficult. The heaviest burden of sanctions tends to fall on women. Meanwhile, the governors and wealthy elite in the country find imaginative ways to bypass the negative impacts of sanctions.
Sanctions are particularly effective when reinforced with other actions, such as international support/ aid given to protect particularly vulnerable segments of the population.	Sanctions rarely work in the way that they are intended– they rarely stimulate political change (as seen in Korea, Cuba, Vietnam and Iraq).
While sanctions often do not work in cases of inter-state violations, the use of sanctions in support of popular resistance movements from within a human rights violating country can be very useful, as the case of South Africa demonstrates.	Sanctions distort the economic lives of communities, producing large- scale unemployment and all the social and familial dysfunctions that accompany such economic dislocation, encouraging black markets, and the gangsterism and corruption that goes with them
	New ways must be designed to impose penalties on offending governments without also punishing an already oppressed people.

	Economies crippled by sanctions do not recover easily, leaving its people in economic hardship for years.
	Greater economic activity-- not sanctions-- will lead to positive political consequences, and much more humanely, by improving the day to day lives of people in the country.

When Are Economic Sanctions Effective?

According to Franklin L. Lavin's work entitled "*Asphyxiation or Oxygen? The Sanctions Dilemma*", sanctions can only be viable and effective if certain conditions apply:

- *Sanctions must be harsh enough to have an impact.* This may be determined by the degree to which the flow of goods is restricted, which is in turn based on geography (a country that is landlocked or has few neighbours is more vulnerable) and by active participation by other countries.
- *The target country's economy must be susceptible to sanctions*, and the implementer must be able to manipulate this susceptibility, to properly target the economy. Moreover, even if the target economy will be hurt by sanctions, it is not a viable approach if the implementer's economy is hurt even more. For example, if the sanctioned country can easily find new suppliers while the sanctionee cannot find new buyers, then sanctions are not worthwhile. Generally, a smaller country will have more difficulty enduring economic disruption.
- *The imposed sanctions should exacerbate existing problems within the target country*, such as economic or political problems, so that the sanctions may actually serve as a catalyst for change, and not just sustain the current situation with some added hardship.
- *Sanctions must strategically hurt the offending regime*; they should not leave the political establishment neutral, or even bolstered, while the rest of the population suffers.
- *Sanctions must not be perceived as a threat or challenge to a country's sovereign integrity*, but should be held out with regret, keeping in mind that few countries would choose international humiliation over economic hardship.

When Should Economic Sanctions Be Applied?: The Emerging Church Voice

The topic of sanctions is extremely controversial, and church discussions on sanctions have still not reached any consensus. Based on the outcome of Project Ploughshares *Forum on Economic Sanctions* in November 1997, and on a follow- up workshop on *The Churches and Sanctions in Nigeria: Responses, Options and Strategies*, there is a general feeling among church representatives that economic sanctions should only be pursued in response to authentic internal calls for such sanctions, and that sanctions should only be imposed in consultation with non-state groups, such as opposition and other civil society groups that represent the affected population. It is also strongly felt that the imposition of sanctions should not harm the innocent. Indeed, a Catholic statement weighed the benefits and harms of sanctions against Iraq and presented the case for the lifting of non- military sanctions to protect the innocent, on the moral grounds of "we will do no harm". Similarly, it is felt that there is a role for states like Canada in opposing sanctions that are unilaterally applied by other states and that are clearly harming the innocent (like the case of Cuba).

A need is felt among the Church representatives for sanctions to be applied according to universal and consistent criteria, with consistent treatment of states for human rights violations. However, it has been recognized that Canadians are more likely to support economic sanctions or other actions that might hurt them economically, in periods of economic prosperity, and when Canadians and the Canadian economy will not be greatly damaged by such sanctions.

Based on past experiences with sanctions, it should be learned that sanctions should not be indefinite, but should have time limits, at which point compliance with resolutions are assessed and the imposition of sanctions are re-evaluated. In this way, sanctions may serve as a stepping stone to peace, not an initiation to conflict.

Preliminary Conclusions on Sanctions Reached By Church Representatives:

- Care should be taken not to rush into sanctions without first considering the full impacts and consequences.
- An international response to a conflict situation which is harmful to civilians caught in that conflict is no solution at all. Therefore, for the sake of the integrity of international law, sanctions should not be implemented if the humanitarian costs of the sanctions policy is very high.
- There is a marked preference for targeted sanctions to limit the specific harm done to innocent people over general economic sanctions
- Sustained research capacity is needed to underpin the solidarity work of groups operating in repressive regimes where economic sanctions are imposed. Likewise, exchange of information among international NGOs and between national and international groups operating in the sanctioned country are critical.

3.7 Response Strategies Advocated by Latin American Partner Organizations: Questionnaire Results

The following chart summarizes the various strategies needed to address the negative impacts of neoliberal economic policies/ trade liberalization, according to our Latin American partner organizations.

SMALL changes needed	DEEPER changes needed	FUNDAMENTAL change needed
rade and investment are not inherently bad, ut the problem is how they are pursued and by hom. The inequalities produced by the urrent system must be properly addressed. In ther words, human rights, the environment nd small and medium- sized businesses must be rotected. • *Fronteras Comunes* • *Equipo Pueblo* • *CODEPU* • *MEDH*	**The movement of capital must promote sustainable development and as well as productive sectors, and not speculative ones. For example, a tax on the transaction of speculative capital (like the Tobin tax) should be implemented, or other kinds of capital restrictions should be applied to the movement of foreign investment .** • *Fronteras Comunes* • *MEDH* • *IPC* • *ANTA*	**Latin America needs strong states th are capable of forging region alliances to negotiate better conditio in trade agreements, and that ca derive a social order and uniq development model based on pea within each country, in joi consultation with large businesses an multinationals, and civil society an diverse organizations.** • *IPC*
ll trade and investment agreements must, as a inimum, contain social clauses. *CODEPU*: (this should be an initial demand, for the time being) *FASIC*	**Side agreements or social clauses attached to trade agreements are not enough: social agendas must be included within the body of trade agreements, so that the principles and guarantees of the social agenda are not undermined by the agreement itself.** • *Fronteras Comunes*	**Social politics should be based on strategy of redistribution of wealth an quality employment, which should b the goals within any kind of trad deals. The control of our wealt including natural resources an biodiversity, must not be expropriate via trade deals but must be negotiate using a healthy criteria of social equit and social economics.** • *IPC* • *ANTA* • *MST*
nternational instruments to protect human ghts must be strengthened. *APRODEH*	**New international instruments must be created to oversee and protect human rights within bilateral or multilateral trade agreements.** • *CODEPU*	**The ideal would be an egalitaria economic system developed by th United Nations, not the IMF whic discriminates in its voting system an stacks power against the majority.** • *MEDH*
odes of conduct for foreign companies erating in Latin American countries would be ry useful. *CODEPU* *Equipo Pueblo* *FASIC* *MEDH*	**Trade and investment should be conditioned on the respect of international human rights laws in the country in which a company wished to invest (the respect of basic human rights should be a condition in trade agreements such as NAFTA).** • *Equipo Pueblo* • *CODEPU* • *CMDPDH*	
	Foreign capital that enters a country (in the form of trade or investment) should be required to: • *ANTA*: **respect the human rights of the workers and promote national development in that particular country (and not destroy small national)** • *FASIC*: **respect international human rights laws** • *Equipo Pueblo*: **contribute to the promotion of human rights, labour rights, sustainable development, the environment, productive sectors, and small and medium- sized businesses.**	

Conclusion

It is clear that, despite the fact that most Latin American macro economies are growing, multitudes of people have been left out of this equation of development, without the possibility of participating in the building of a common future. And while the trickling-down of wealth has not reached those at the bottom of the economic ladder, and increasingly, not even those on the middle rungs, the possibility of future trade and investment liberalization agreements-- such as the FTAA, the MAI, and APEC-- threaten to exacerbate today's situation even further. We are witnessing the empowerment of corporations at the mercy of governments and the people and environments they supposedly represent (LADOC 1997, 23, 25; The Center of Concern 1997, 18; Canadian Labour Congress 1997, 2, 7, 8; Public Citizen 1997, internet). Before plunging head-first into the full liberalization of trade and investment, it is imperative that the inequalities that have so far resulted from such corporate- backed neoliberal political economic policies be rectified and re-oriented, if social, economic and cultural rights are to be properly respected in Latin America and throughout the world. This is the message that is coming from the words of Latin American partners, and from the concrete evidence throughout the hemisphere-- in the form of increased poverty, exploitation, violence, marginalization and cultural destruction. The challenge awaits us.

Questions to Consider/ Areas for Further Research

- Reject or accept integration? If we reject it, how do we build a movement in favor of more democratic control over local, national, and global economies? If we accept it as being here to stay, how do we influence and use existing mechanisms so that they protect social rights and the environment?
- How can workers/unions/NGOs/churches in the North and South create more effective linkages and fight more effectively for better standards for all?
- How can we stop corporations from exploiting workers and pushing societies to a downward spiral of lower standards?
- What is the best way to deal with competition for jobs reinforced by economic integration and globalization?
- Should work be done to try to strengthen existing international bodies that protect human rights (like the UN or the OAS)? Should linkages be created between them (for example, between the UN, ILO and WTO)? How can this be done? Do we need new institutions?
- What kind of new and innovative tools and approaches can be used to slow down the process of economic integration based on a neoliberal, corporate- backed agenda? How can the neoliberal economic model be de-mystified to reveal the devastation it brings, amidst our highly corporate culture?
- Explore the activities of Canadian companies in various Latin American countries, to uncover Canadians' real impacts on human rights in concrete terms.

- Explore an exemplary case of a Canadian company in Latin America, that is truly promoting sustainable development and the improvement of workers' standards of living. What are they doing right, how, and why? What can be learned from them?
- Explore the Canadian International Code of Ethics: Can any company sign on to it? How is it being promoted by the Canadian government? What initiatives are being taken to make its signatories more accountable to its promises?
- Sanctions: what kind of sanctions should be/ could be designed to suit the needs of Latin American countries with horrendous human rights records?-- Could a 'sanction package' be designed to target the appropriate actors and induce the desired response(s)? Can sanctions be useful on a symbolic level alone?
- Explore solidarity linkages with social justice organizations in the US, to increase pressure on North American governments to regulate trade and investment. Also, Canadians can learn from several US initiatives that promote human rights through trade, and pressure our own government to follow suit.

Annex 1:

QUESTIONNAIRE RESPONDENTS

- ANTA: National Association of Farm Workers (Asociación Nacional de Trabajadores Agropecuarios), El Salvador
- APRODEH: Association for Human Rights (Asociación Pro- Derechos Humanos), Peru
- CMDPDH: Mexican Comission for the Protection and Promotion of Human Rights (Comisión Mexicana de la Defensa y Promoción de los Derechos Humanos), Mexico
- CODEPU: Committee on the Protection of Human Rights for the People (Comité de Defensa de los Derechos del Pueblo), Chile
- Equipo Pueblo, Mexico
- FASIC: Foundation of Christian Churches for Social Support (Fundación de Ayuda Social de las Iglesias Cristianas, Chile
- Common Frontiers (Fronteras Comunes), Mexico
- MEDH: Ecumenical Movement on Human Rights (Movimiento Ecumenico por los Derechos Humanos), Argentina
- IPC: Popular Institute on Education (Instituto Popular de Capacitación), Colombia
- MST: Movimiento Sem Terra (Landless Movement), Brazil

Annex 2:

Multilateral Human Rights Treaties Ratified by Canada

**The dates indicated in parenthesis refer to the date of entry into force for Canada*

I. At the United Nations

- Convention on the Prevention and Punishment of the Crime of Genocide (1952)
- Convention relating to the Status of Refugees (1969)
- Convention on the Political Rights of Women (1957)
- Slavery Convention signed at Geneva on 25 September 1926 and amended by the Protocol of 7 December 1953 (1955)
- Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1963)
- Convention on the Nationality of Married Women (1960)
- Convention on the Reduction of Statelessness (1978)
- International Convention on the Elimination of All Forms of Racial Discrimination (1970)
- International Covenant on Economic, Social and Cultural Rights (1976)
- International Covenant on Civil and Political Rights (and Optional Protocol) (1976)
- Protocol Relating to the Status of Refugees (1969)
- Convention on the Elimination of All Forms of Discrimination against Women (1982)
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)
- Convention on the Rights of the Child (1992)

II. At the International Labour Organization

- Convention concerning Freedom of Association and Protection of the Right to Organize (1973)
- Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (1973)
- Convention concerning the Abolition of Forced Labour (1960)
- Convention concerning Discrimination in Respect of Employment and Occupation (1965)
- Convention concerning Employment Policy (1967)

III. At the Organization of American States (OAS)

- Convention on the Nationality of Women (1991)
- Inter- American Convention on the Granting of Political Rights to Women (1991)
- Inter- American Convention on the Granting of Civil Rights to Women (1991)

IV. Humanitarian Law

- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, of August 12, 1949 (1965)
- Geneva Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea, of August 12, 1949 (1965)
- Geneva Convention relative to the Treatment of Prisoners of War, of August 12, 1949 (1965)
- Geneva Convention relative to the Protection of Civilian Persons in Time of War, of August 12, 1949 (1965)
- Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol 1) (1991)
- Protocol additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non- International Armed Conflicts (Protocol II) (1991)

Annex 3:

The "Black-Listed" Canadian Companies Operating In Latin America:

The following Canadian companies have contributed to the exploitation of Latin American peoples and/ or environments, or have lobbied for lower environmental or labour regulations in the region.

- Barrick Gold Corp. (Chile, Costa Rica and Peru)
- Bolivar Goldfields (Venezuela)
- Bombardier Aircraft (Colombia)
- Cambior (Peru and Guyana)
- Canadian Tungsten Inc. (Chile) (taken over by Aur Resources Inc.)
- Canoro/Yellow Jack Resources (Venezuela)
- Carson (Venezuela)
- Cominco (Chile and Peru)
- Custom Trim (Mexico)
- Da Capo Resources (Bolivia)
- Eximbal (owned by Inco) (Guatemala)
- Focal (Nicaragua)
- Gas Andes (majority owned by Nova Corp.) (Chile)
- Greenstone Resources Ltd. (Nicaragua)
- Hudson Bay Company (subcontractors in Guatemala)
- MacMillan (Peru)
- Noranda (Venezuela)
- Nova Corporation (Chile)
- Placer Dome (Chile, Costa Rica and Venezuela)
- Queenstake Resources (Venezuela)
- Triton Mining Company (Nicaragua)
- Western Keltic Mines Ltd. (Panama)

Annex 4:

Options for the Canadian Government to Incorporate Human Rights Considerations into Canadian Trade and Investment Promotion, Policy and Law:

**The following list of options include measures which could be taken by the Canadian government without fundamental change to the current economic model.*

Incorporating Human Rights Considerations into the Promotion of Trade and Investment

- Condition government benefits to business, such as financial assistance (loans, grants, investment insurance, etc.) and funding for export activities (including the Progressive Payment Program, Credit Insurance System, the Export Development Corporation, etc.) on an assessment of the company's human rights record and on a 'human rights impact assessment' of the proposed business endeavours abroad. This human rights impact assessment should gauge not only the company's direct human rights impact in its workplace, but also the indirect human rights consequences of its presence in a country with a repressive government.
- The Department of Foreign Affairs and International Trade (DFAIT) should supply information on human rights conditions of all counties in which Canadian trade and investment is being promoted, as well as guidelines for businesses on how they can protect human rights in these countries, should they establish business or trade there
- DFAIT should publicly flag countries where it is difficult or impossible to do business without violating human rights, where workplace rights cannot be maintained, or where it will induce an increased repressive capacity of the government
- Educate businesses about labour rights, environmental protection and ethical business culture in all government- funded export promotion and education programs (including Team Canada, PEMD, CIBS, WIN, NEXPRO, EDC, etc.)
- Reward good business practices and facilitate consumer awareness of such practices by naming the companies who agree to ensure that they and their suppliers are acting responsibly and who are contributing positively to improving human rights abroad (in the US, a "US Model Business Principles Award" is given; or, the Canada Export Award, awarded in areas of job creation achievement, smaller exporter achievement, and innovation and technology achievement, could include a human rights assessment)
- Publicly address human rights on all trade- related missions

Incorporating Human Rights Considerations into Trade and Investment Policy and Law

- Appoint an independent team responsible for monitoring and field visits to Canadian companies operating in countries with poor human rights records.
- Exhort Canadian companies to adhere to corporate codes of conduct, where core ILO standards are required and where independent monitoring (performed by an independent body created by government) ensures compliance of the code.
- Require multinational corporations (MNCs) to produce and make public regular company reports on their environmental and labour practices and other activities in and impacts on local communities both at home and abroad.
- Prohibit or penalize Canadian companies that operate in countries where:

⇒ The company's presence results in increased repressive activity by the government, countering any positive impacts it may otherwise produce on human rights

⇒ The company's presence reinforces the repressive capacity of a repressive government

⇒ The government uses repressive means to produce infrastructure designed for use by the business or to provide the firm with resources

⇒ The government accommodates business interests by resorting to repression to forestall labour unrest

⇒ The company's products are used by the government which increase its repressive capacity (this includes infrastructure such as roads and power, as well as weapons, etc.)

⇒ The company is a major source of revenue that increases the government's repressive capacity

⇒ The company provides international credibility to an otherwise discredited government

- Impose human rights conditions on the extension of trade benefits, such as on General Preferential Tariffs (GPT). For example, the US has done this with its Generalized System of Preferences (GSP) which offers preferential tariff treatment to less developed countries that meet specified labour standards on a non- reciprocal basis. The E.U. has followed suit, with a 1998 phase- in providing especially low GSP tariffs to nations meeting standards on freedom of association, collective bargaining, forced labour and making a good faith effort to eradicate child labour.
- Engage in unilateral trade action that makes access to home markets conditional on human rights performance in investment countries and attracts the attention of businesses operating in these countries who seek to export to Canada.
- Tax reform:

⇒ Identify and eliminate negative subsidies or tax breaks (i.e. corporate welfare) that encourage negative environmental or social impacts

⇒ Enact ecological tax reform: shift taxes away from environmentally and socially sustainable behaviour and towards those that are unsustainable or unjust

⇒ Refuse to issue tax credit for taxes paid to repressive governments (currently, Canadian tax law allows Canadian residents to deduct a portion of their foreign business income tax from their Canadian taxes, even in the absence of a formal tax treaty between Canada and the foreign jurisdiction)

- Develop and enforce appropriate liability laws to protect human rights and the environment which would extend to all countries in which Canadian businesses invest or operate (this could involve the Canadian government enacting national laws or pressing for the adoption of international laws at the WTO/ ILO/ UN)
- All draft texts of new trade and/ or investment agreement should be subjected to an independent social audit, an independent environmental audit, an independent gender analysis, an independent assessment of the implications for indigenous people, and an independent analysis of the likely effect on less development countries. These should be made public and be open to public debate (ECEJ.3/ 98, 10- 11).
- Impose bilateral or multilateral trade sanctions against countries that severely violate human rights (other kinds of sanctions can also be imposed, which are less devastating to the general populations of sanctioned countries)

The majority of the above ideas were taken from "Putting Conscience into Commerce" by Craig Forcese, 1997.

Annex 5:

Ratification of the International Covenant on Social, Economic and Cultural Rights by Countries of the Americas

(Countries marked in bold letters are those wherein ICCHRLA is presently very active in human rights monitoring and advocacy work)

- Argentina
- Bolivia
- Canada
- Chile
- **Colombia**
- Costa Rica
- Ecuador
- **El Salvador**
- **Guatemala**
- Guyana
- Honduras
- **Mexico**
- Nicaragua
- Panama
- **Peru**
- Uruguay
- Venezuela

NB: The United States of America has signed but not yet ratified this document.

(United Nations web site)

Annex 6:

Ratification of "Core" International Labour Organization (ILO) Conventions

The 7 conventions referred to in this section have been identified as "core" conventions by the ILO.

Core ILO Conventions Ratified by Canada:

- Freedom of Association and Protection of the Right to Organize Convention (No. 87)
- Right to Organize and Collective Bargaining Convention (No. 98)
- Equal Remuneration Convention (No. 100)
- Abolition of Forced Labour Convention (No. 105)
- Discrimination (Employment and Occupation) Convention (No. 111)

Core ILO conventions not ratified by Canada: Forced Labour Convention (No. 29); and Minimum Age Convention (No. 138.]

Core ILO Conventions Ratified By Colombia:

- Forced Labour Convention (No. 29)
- Freedom of Association and Protection of the Right to Organize Convention (No. 87)
- Right to Organize and Collective Bargaining Convention (No. 98)
- Abolition of Forced Labour Convention (No. 105)
- Discrimination (Employment and Occupation) Convention (No. 111)
- Equal Remuneration Convention (No. 100)

Core ILO conventions not ratified by Colombia: Minimum Age Convention (No. 138).

Core ILO Conventions Ratified by El Salvador:

- Forced Labour Convention (No. 29)
- Discrimination (Employment and Occupation) Convention (No. 111)
- Minimum Age Convention (No. 138)

Core ILO conventions not ratified by El Salvador: Freedom of Association and Protection of the Right to Organize Convention (No. 87); Right to Organize and Collective Bargaining Convention (No. 98); Equal Remuneration Convention (No. 100); and Abolition of Forced Labour Convention (No. 105).

Core ILO Conventions Ratified by Guatemala:

- Forced Labour Convention (No. 29)
- Freedom of Association and Protection of the Right to Organize Convention (No. 87)
- Right to Organize and Collective Bargaining Convention (No. 98)
- Abolition of Forced Labour Convention (No. 105)
- Discrimination (Employment and Occupation) Convention (No. 111)
- Equal Remuneration Convention (No. 100)
- Minimum Age Convention (No. 138)

Core ILO conventions not ratified by Guatemala: None.

Core ILO Conventions Ratified by Mexico:

- Forced Labour Convention (No. 29)
- Freedom of Association and Protection of the Right to Organize Convention (No. 87)
- Right to Organize and Collective Bargaining Convention (No. 98)
- Abolition of Forced Labour Convention (No. 105)
- Discrimination (Employment and Occupation) Convention (No. 111)
- Equal Remuneration Convention (No. 100)

Core ILO conventions not ratified by Mexico: Minimum Age Convention (No. 138).

Core ILO Conventions Ratified by Peru:

- Forced Labour Convention (No. 29)
- Freedom of Association and Protection of the Right to Organize Convention (No. 87)
- Right to Organize and Collective Bargaining Convention (No. 98)
- Abolition of Forced Labour Convention (No. 105)
- Discrimination (Employment and Occupation) Convention (No. 111)
- Equal Remuneration Convention (No. 100)

Core ILO conventions not ratified by Peru: Minimum Age Convention (No. 138).

Annex 7:

international Code of Ethics for Canadian Business

Principles

A. Concerning Community Participation and Environmental Protection we will:

- strive within our spheres of influence to ensure a fair share of benefits to stakeholders impacted by our activities.
- ensure meaningful and transparent consultation with all stakeholders and attempt to integrate our corporate activities with local communities as good corporate citizens.
- ensure our activities are consistent with sound environmental management and conservation practices.
- provide meaningful opportunities for technology co-operation, training and capacity building within the host nation.

B. Concerning Human Rights, we will:

- support and promote the protection of international human rights within our sphere of influence.
- not be complicit in human rights abuses.

C. Concerning Business Conduct, we will:

- not make illegal payments and bribes and will refrain from participating in any corrupt business practices.
- comply with all applicable laws and conduct business activities in a transparent fashion.

D. Concerning Employees Rights and Health and Safety, we will:

- ensure health and safety of workers is protected.
- strive for social justice and promote freedom of association and expression in the workplace.
- ensure consistency with universally accepted labour standards, including those related to exploitation of child labour.

Application

The signatories of this document are committed to implementation with their individual firms through the development of operational codes and practices that are consistent with the vision, beliefs, values and principles contained herein.

Signatories

- ALCAN Aluminum
- Beak International Inc.
- Cambior Inc.
- Canadian Occidental Petroleum
- Chauvco Resources Ltd.
- John Neville Inc.
- Komex International Ltd.
- Liquid Gold Resources Inc.
- Profco Resources
- Pulsonic Corp.
- Reid Crowther International Ltd.
- Sanduga & Associates
- Shell Canada Ltd.
- Wardrop Engineering

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http://www.oneworld.org/eurodad/agm2.htm (re. HIPC initiative).

ANNEX D:

‘A Life Threatening Activity’: Trade Unionism Under Attack in Colombia

"A Life Threatening Activity" Trade Unionism Under Attack in Colombia

Report of the Canadian Trade Union
Delegation to Colombia

February, 1998

REPORT OF THE
CANADIAN TRADE UNION DELEGATION
TO COLOMBIA

Background to Tour:

In response to an escalation of attacks directed against Colombian trade unionists, the mission was conceived and coordinated by the Inter-Church Committee on Human Rights in Latin America (ICCHRLA), a church-based organization which has established extensive working relationships of solidarity with church, human rights and popular organizations in Colombia since 1989.

The purpose of the trip was to investigate abuses of human rights directed primarily against the organized labour movement of Colombia but also other institutions of civil society, namely human rights, church, women's and peasant organizations.

Each participating Canadian organization was responsible for selecting and covering the costs of its delegate(s), while ICCHRLA covered additional logistical expenses and organized the many details of the tour, including developing an agenda, internal travel and translation.

The delegation was in Colombia from October 1-11, 1997 and consisted of the following eight (8) persons:

❶ John Bird, journalist, United Church Observer
❷ Bill Fairbaim, South America Program Coordinator, ICCHRLA
❸ Carl Hetu, Canadian Catholic Organization for Development and Peace (CCODP) and member of the CSN (Quebec)
❹ Rick Kitchen, Canadian Auto Workers Local 127 (Chatham, Ontario)
❺ Ken Luckhardt, Staff Representative, CAW Social Justice Fund
❻ David Onyalo, Staff, Canadian Labour Congress Human Rights Department
❼ Don Schmidt, Ontario English Catholic Teachers Association (OECTA)
❽ Paul Smith, Ontario English Catholic Teachers Association (OECTA)

One obvious limitation of this delegation was the absence of gender balance. This should be corrected when future delegations are chosen.

A map of Colombia is included in this report as **Appendix I.**

In Bogota, the entire delegation worked as one unit and met with representatives from a variety of labour, human rights and other non-governmental organizations. Among the most significant meetings was a comprehensive briefing provided by the entire executive committee of the Central Unitaria de Trabajadores (CUT).

For four days, the delegation was divided into two groups with the following itinerary:

Department of Santander (Barrancabermeja and region):
Bird, Hetu, Kitchen and Smith

Department of Antioquia (Medellin and Uraba Region):
Fairbairn, Luckhardt, Schmidt and Onyalo

Following their visits to the regions, members of the delegation returned to Bogota, where they met with Canadian Embassy and Colombian government officials. Upon its return to Canada, the delegation travelled to Ottawa to present its findings in a meeting with Foreign Affairs Minister Lloyd Axworthy (See **Appendix 2).**

While in Ottawa, members of the delegation also met with members of the Standing Committee on Foreign Affairs and International Trade, and participated in a Rountable with Colombia's Foreign Affairs Minister, Maria Emma Mejia, and the Colombian Ambassador to Canada, Alfonso Lopez Caballero (now Minister of the Interior) (See **Appendix 3).**

Much of the success of the trip can be attributed to excellent briefings and translation provided by many Colombian organizations and individuals. Special mention should be made of **the Latin American Institute for Alternative Legal Services (ILSA)** and **the Coordinacion Colombia Europa (CCE).** The staff of both organizations went out of their way to provide relevant information and logistical support throughout the trip.

Sister Cyndi Mellon deserves our collective thanks for guiding the delegation on a daily basis and for providing such excellent political translation to help us better understand the complexities and contradictions of Colombian struggles. Sister Laura Mayorga provided equally helpful translation during the visit to Medellin and the Uraba region.

It should be said at the outset that, with the exception of Bill Fairbairn, none of the members of the delegation had any particular background or expertise on the Colombian situation. For that reason, we are struggling to find a way to convey in this report the complex interrelationship between the issues specific to the trade union movement and the larger context of repression facing the Colombian people as a whole.

Fortunately, in this regard, we are appending to this report a document prepared by the ICCHRLA on Colombia. It is entitled ***"One Step Forward...Three Steps Back: Human Rights in Colombia Under the Samper Government"*** and was released at a press conference in Ottawa upon our return to Canada.

We encourage everyone to read the ICCHRLA document to broaden their analysis of the urgent situation in Colombia.

BREAKING THE SILENCE

To the extent that Canadians know anything about Colombia, they know it to be a violent country. An estimated ten Colombians are killed or *"disappeared"* for political reasons every day! To put this in perspective, more Colombians have been victimized by political violence each year since 1988 than the total documented number of Chileans killed during the sixteen year Pinochet dictatorship in Chile.

But most of what we know of the Colombian violence is either distorted or simply false. With few exceptions, media coverage of Colombian violence is attributed uniquely to two sources: the drug trade and/or guerrilla-inspired conflict. Both of these factors are indeed a part of the equation, but they account for only a small part of the daily carnage that passes for everyday life in Colombia.

Colombian and international human rights monitoring groups have solid documentation to prove that at present more than 70 per cent of the political violence in Colombia can be directly attributed to the Colombian state agencies (military and police) and to their handmaidens, the paramilitary units.

The Colombian state has demonstrated little ability or desire to put an end to the military-paramilitary violence. The Samper Government, as the ICCHRLA report documents, has been proven to lack the strength vis a vis the country's armed forces, credibility and legitimacy to bring an end to the abuses or create the conditions necessary for a negotiated peace with the combattant organizations.

In testimony after testimony given to our delegation by the victims of human rights abuses, one disturbing conclusion is inescapable: **Colombians have absolutely no confidence in seeking justice from any institution of the Colombian state. Witnesses and even relatives often refuse to provide testimony to the Prosecutor General's Office for fear that they will then become the target of the next round of military or paramilitary violence. This fear is not unfounded: our delegation was informed of many cases in which persons denouncing human rights abuses were themselves subsequently murdered.**

The Colombian government itself has acknowledged the basic truth that there is 97% immunity (non-prosecution) for those responsible for the violence generally, and virtually 100% immunity for those responsible for political/human rights-related violence. In a word, Colombians have no place to hide!

The report will now summarize the situation facing the labour movement and working class of Colombia. In doing so, we hope to also explain some of the root causes of the violence and repression.

THE LABOUR MOVEMENT: A PRIMARY TARGET

When one walks into the office of a trade union in Canada, the walls are covered with photos of men and women, brothers and sisters, who built that particular organization as part of the larger Canadian labour movement. The photographs most commonly picture those leaders in their later years. **In Colombian union offices, the walls are also filled with photos of union leaders. The difference is that most are young faces and most were murdered or disappeared at an early age.**

At the risk of dehumanizing the suffering faced by trade union leaders and activists, the following chilling facts illustrate the degree of trade union repression in Colombia:

- Of every 10 trade unionists killed in the world in recent years, 4 were Colombian.
- In the early 1990s, a trade unionist was killed every other day, or approximately 180 a year.
- In 1996, that number increased to 253 trade unionists killed. An additional 16 trade unionists were victims of forced disappearance.
- The CUT, the largest and most progressive of three central labour bodies in Colombia, was formed in 1986; by 1997, **2300** of its leaders and activists had been assassinated. Only one person has been charged for any of these 2300 deaths. (Source: Brother Luis Garcon, CUT President)
- In 1997, members of the teachers unions were being killed at the highest rate of any trade union sector.

Virtually none of these deaths can be attributed to either the drug trade or guerilla movements. These brothers and sisters died at the hands of the military (which includes police forces in Colombia) or, increasingly, paramilitary forces.

Trade unionism in Colombia is clearly not respected as an important institution in civil society.

In comparison with South Africa, a case better known by most people, the Colombian labour movement suffers to a much greater degree under the current regime than the non-racial South African labour movement suffered in the worst days of apartheid rule!

A PROFILE OF THE COLOMBIAN TRADE UNION MOVEMENT

The violence directed against the labour movement has greatly diminished the number of unions and members. Yet, while we document that overall decline in union density, it is also important to stress that Colombian unions--central bodies and affiliates alike--remain one of the most important expressions of **collective resistance** to government policies which have increased socio-economic disparities in Colombian society.

The union density in 1995 was approximately 8 per cent, and many of the unions are company unions or very small units that act as small interest groups for a very small number of workers. In the private sector, only 4.5 per cent of the workforce is unionized. Of unionized workers in the public sector, 73 per cent are teachers.

In 1992 (for which the most recent consolidated national statistics are available), 992 collective bargaining agreements were achieved. There were 100 strikes, 30 of which were deemed *"illegal"*. For comparison, 356 *"collective pacts"* between non-unionized workers and employers were reached in the same year.

Unions are affiliated to three central bodies: the CUT (Central Unitaria de Trabajadores); the CTC(Confederacion de Trabajadores de Colombia); and the CGTD(Confederacion General de Trabajadores Democraticos). The CUT, despite the loss of leaders through murders, disappearances, displacements and forced exile cited above, represents 58 per cent of the unionized members.

These figures reflect a static moment in the labour movement in the mid-1990s. What is more important is an explanation of the processes that have reduced the ability of Colombian unions to advance the conditions of their members and to effect social change in the broader society.

Our report will attempt to summarize the key reasons that account for the declining influence of the labour movement. Some of these reasons are uniquely Colombian, i.e., national factors, while some of these reasons bear upon the larger neo-liberal model that is being externally imposed upon Colombia in the interests of global capital. Obviously there is overlap between both sets of forces.

LOOKING FOR PATTERNS

After meeting with trade unionists (leaders, activists and rank-and-file) and NGOs that work with labour, we can point to at least four patterns to explain the assault on the labour movement. Those four patterns of assault are:

- ❶ Violent Repression Against Trade Unionists
- ❷ Criminalization of Social Protest;
- ❸ Denial of the Right of Freedom of Association; and,
- ❹ Labour Law Reform (1990).

Each of these patterns deserves a brief comment. Our sources include the direct testimonies given by individuals and written documentation provided by labour lawyers, NGOs that work with the labour movement and submissions made by all three central bodies to the ILO at the 85th International Labour Conference (1997).

❶ Violent Repression Against Trade Unionists

In their joint report to the International Labour Conference, Colombia's three central labour organizations described participation in legitimate trade union activities as a *"life threatening activity"*. Indeed, as we noted earlier in this report, thousands of Colombian sisters and brothers from the labour movement have been murdered or forcibly *"disappeared"* during the past decade–most of them at the hands of the country's state security forces or their paramilitary allies. These murders are cold, calculated efforts to undermine the viability of collective actions by the Colombian working class.

The situation of endemic violence has been exacerbated by the fact that Colombia has the oldest internal armed conflict in the Americas. According to the three labour centrals:

> *"The intolerance of the parties to the conflict is many times directed against the civilian population. Promoting the organization of workers or being a union leader are considered by some State officials as subversive activities. For their part, members of paramilitary groups consider unionists as allies of the insurgents. Guerrillas too have sometimes carried out reprisal actions against union members whom they consider to have betrayed their political convictions."*

In recent years, most of the politically motivated violence against unionists (and other social sectors) has come from a network of paramilitary groups. The guiding ideology of the perpetrators views trade unions as nothing other than fronts for the guerrilla movements. Insinuations of connections between trade unions and the guerrilla serve therefore as ideological justification to intimidate workers from joining unions or from using their unions as agents of social change. Under the guise of *"national security"*, unions and unionists determined to seek collective change are viewed as *"national security risks"*, making them *"enemies of the state"*.

In November 1994, paramilitary groups held the *"First Summit of the Colombian Self-Defence Committees"*. In a document which came out of the meeting, the groups affirmed that they *"would continue to consider as military targets left-wing politicians and union leaders."*

Guillermo Marin, a textile worker and Secretary of Education in his union (FUTRAN) and CUT Executive Member, was gunned down in July, 1994 as he left the conference site of a meeting to discuss the effects of a new social security law. Within a month, two more union leaders in the region (Department of Antioquia) were similarly murdered.

Responsibility for these three deaths was subsequently claimed by a paramilitary group known as **COLSINGUE (Colombia Without Guerrillas)** which declared that *"they were not going to respect the political and labour union fronts that the guerrillas use."*. Another paramilitary group known as **MACOGUE (Death to Communists and Guerrillas)** claimed responsibility for the murder of over 20 union leaders and activists between July and December 1994.

Additional death threats were issued against FUTRAN leaders. Three months after Marin's murder, heavily armed thugs barged into the union offices in downtown Medellin and proceeded to kill two additional FUTRAN leaders and severely injure the Union's Human Rights Director. Despite requests for state protection after the July murder, FUTRAN never received any support from the Colombian authorities and to date no charges have been laid in this series of murders.

On February 4, 1997 Hernando Linero Lopez, member of the SINTRAELECOL union, was kidnapped by members of a paramilitary group in the Department of Magdalena. The following day, his body was found, showing signs of severe torture.

For every death, there are hundreds of death threats. Union leaders must, from experience, take these threats seriously. They most commonly have to join the hundreds of thousands of Colombians who are displaced, or they must seek temporary asylum often outside the country. **During the course of our 11 days in Colombia, at least three persons we met received death threats prior to our departure.**

Amongst other examples of paramilitary violence against trade unionists that could be cited, we want to concentrate on one particular case re: **the Coca-Cola plant in Carepa, in the Uraba region of the Department of Antioquia**. We base our information on testimonies provided by leaders of the union involved (SINALTRAINAL, an affiliate of the CUT).

The persecution of the union began with the firing of an Executive Board member, who eventually got his job back. Continued efforts to break the union eventually led to the development of a relationship between local management and the paramilitary unit in the region. Following the tabling of union demands on November 30, 1996 and no response from the employer, Brother Isidro Segundo Gil was killed at 9:00 a.m. at the workplace on the morning of December 4; he had served as Secretary General of the Carepa Local of the National Union of Food Industry Workers (SINALTRAINAL) and member of the union negotiating committee. Later the same day, an effort was made by the paramilitaries to kidnap another worker but he managed to escape. This led to a sacking and burning of the union building on company premises. According to union testimonies, the paramilitary openly claimed credit for the attack.

On the following Monday, the paramilitary units entered the factory threatening union members that they must leave the premises by 6 p.m. and the area within three days. Pre-designed letters of resignation from the union, which according to the testimony were generated on company machines (minus company letterhead), were then given to the unionists. Forty-two letters of resignation were signed under duress and most of the union leadership were displaced to Bogota.

A sample of the one-sentence resignation letter (with translation) is provided as Appendix 4 to the report; we have intentionally removed the name of the person from the letter as we promised to do.

While one witness suggested that local Coca-Cola management may also have been intimidated by the paramilitary forces, the overall thrust of the testimony clearly identified Coca-Cola franchisees throughout Colombia as being virulently anti-union and quick to charge union activists with *"terrorism"* (see the Criminalization of Social Protest section below re: charge of *"terrorism"*).

The union represents workers at other food & drink-based multinationals (Pepsico and Nestles) and spoke of Coca-Cola as the worst employer to deal with in the industry.

Although the Colombian government officials with whom we met denied that the state security forces support paramilitary violence, our delegation received consistent and reliable testimony to declare beyond a shadow of a doubt that the collusion is real and ongoing.

One of the clearest examples came as we were visiting the region of Uraba. Travelling on the road between San Jose de Apartado and the town of Apartado, our delegation witnessed heavily armed members of a paramilitary group casually walking at a distance of less than 3 minutes from the military base located in the Policarpa neighborhood of Apartado. When we raised this concern in a meeting with the army commander of the region, General Rito Alejo del Rio, he denied any knowledge of paramilitary units in the region. He further denied any knowledge of the existence of a paramilitary roadblock which had been operating on the same road since February 1997 (less than 5 minutes from the army base). According to numerous credible reports we received, dozens of peasant farmers have been detained at this roadblock only to be assassinated or forcibly *"disappeared"*.

❷ CRIMINALIZATION OF SOCIAL PROTEST

The second and more institutionalized pattern of assault is referred to by Colombian trade unionists and human rights activists as *"the criminalization of social protest"*. In general, this refers to a multi-faceted process whereby the Colombian criminal code is used to make illegal the normal functions of a trade union and its membership.

There is a disturbing tendency in Colombia for government officials to attempt to explain all acts of legitimate social protest as being guerrilla inspired. For example, during the national public sector strike, key government representatives, including the Ministers of Defence and the Interior, the military commanders and even President Samper himself made public declarations in the media claiming that the strike was initiated by the guerrilla and that the insurgents were carrying out these actions to disturb the public order. Irresponsible accusations such as these often are the backdrop which allow for the imprisonment (under chargers of *"terrorism"*) or murder of union leaders.

Colombia also has a long history of adopting *"decree laws"*, enacted during state of emergency legislation. Colombians have lived under a state of emergency--also called a state of seige--for much of the past fifty years.

Beginning in the late 1980s and throughout the present decade, a series of **special presidential decrees** have seriously penalized trade unions engaged in social protest and even normal trade union activities. This includes the right to assemble and the right to strike. Through *"public order"* justifications, union activities are commonly labelled acts of ***"terrorism"*** and judges use their judicial discretion to apply the law. Charges of ***"sabotage"*** and ***"defamation"*** (e.g., trade union speeches) are also common.

With regard to the specific legal language that leads to unionists being charged with *"terrorism"*, Decree No. 180 (1988) reads:

> *"Whoever provokes or maintains the population or a sector of the same in a state of unrest or terror, by means of acts that place at risk the life, the physical integrity or the liberty of persons or the edifices of the communication media, transport, processing or transportation of fluids and fuel plants, using means capable of creating hardship will face up to 20 years in prison."*

So much for strikes in the telecommunications, transportation or energy sectors!

Even more threatening is a special procedure introduced in the early 1990s known as the ***"regional justice"*** or more commonly ***"faceless justice"*** system. Initially introduced to provide protection for judges, lawyers and witnesses testifying in drug-related trials, this system has been turned against the labour movement and human rights activist communities.

It essentially consists of special courts which function on the basis of written documentation, where judges and prosecutors remain anonymous and where the identify of witnesses remains secret. Evidence introduced does not need to be substantiated and may not be challenged. In other words: **guilty until proven innocent!**

Any notion of due process is lost in this system. Arbitrary arrest and long detentions are common as the process is very time-consuming. But for the interests of the state, the process is effective as approximately 10,000 defendants were tried by this system in 1995 alone. A high percentage of persons forced to endure the regional justice system come from the very sectors most commonly engaged in legitimate social protest–unions, peasant and indigenous organizations.

During our tour, we had the opportunity to meet with **seventeen USO (Petroleum Workers Union) leaders who were arrested in December, 1996 and who are being held in the state prison in Bogota. They are currently charged with terrorism and have been subjected to the secret witness process.** USO has lost 90 of its union leaders to political violence since 1988, while another 200 are displaced in various regions of the country. For the seventeen facing potential 20 year sentences (or worse), they are also the victims of a very public and systematic state-controlled ideological campaign that seeks to identify USO leaders with the guerrilla movement. The goal is, of course, to create a fear in the general populace of militant, independent unionism.

We also met with the relatives of many of these seventeen union defendants. They are desperate to get their loved ones released and have formed what is known as *"The Permanent Action for the Freedom of Unionists in Prison"*. The relatives conduct a weekly Thursday rally in the Bogota city square and, resources permitting, travel to other cities and regions to mobilize support for the detainees. As the wife of one of the USO leaders put it while speaking through tears, *"(he) is not a terrorist; he is a good father and a good husband."* Even the lawyer defending the USO 17 has been threatened with death for taking on the case.

An earlier example of this pattern concerns the **TELECOM Workers Union (SINTELECOM).** In the midst of bargaining with the Colombian government in 1992, their main goal was to oppose and prevent the privatization of the telecommunications sector. A strike began in April and the stoppage was deemed to be an act of terrorism and 13 union leaders were tried in the regional justice system. They were detained arbitrarily for nearly one year before the charges were eventually dropped.

In this process, individuals are stigmatized and often lose their employment contracts. Union activity is reduced accordingly.

In testimony after testimony, the excesses of the faceless justice system were described to our delegation. As witnesses do not get identified (except by fingerprint), it has been common to pay the witnesses to provide testimony under many different names. One example provided by a leader of FEDEPETROL (the federation representing unions in the energy sector) was that of a paid witness who admitted to the scam; he was promptly killed following the admission.

While the Criminal Code is used to intimidate and diminish the labour movement on the one hand, the legal system's willingness to provide protection for trade unionists (and others from popular sectors) against political violence is virtually non-existent.

❸ DENIAL OF THE RIGHT TO FREEDOM OF ASSOCIATION

As trade unionism is inherently a collective assertion of rights and demands, the freedom of association is the most fundamental pillar upon which trade union activity is built. Our delegation concludes that this most basic pillar is denied Colombian workers.

The ILO has repeatedly condemned successive Colombian governments for their denial of this basic right. Yet, as we were repeatedly told by Colombian sisters and brothers, commitments to address this reality have been full of broken promises over the years and up to the present moment.

While the Constitution provides for the immediate legal recognition of a trade union, the legislation in place requires previous authorization by the government before legal recognition is secured. Additionally, as will be explained in the next section, employers intentionally keep the workforce below certain numbers to prevent unionization.

Further, despite promises to legally delimit certain public sector work as *"essential"* and thus allow for the rest of the organized public sector to engage in strike activity, this has not yet been enacted.

Protections against unfair dismissals and other forms of employer discipline are absent, making the right to organize an impossible burden in many sectors.

The right to strike is equally circumscribed in that the Ministry of Labour can arbitrarily declare a strike illegal, making the union leadership and activists subject to the *"criminalization of social protest"* outlined above. Once a strike is deemed illegal, employers can sue for civil damages result from the work stoppage. Employers may also legally terminate the employment of any workers involved in a strike that has been declared illegal.

Under Colombian law, collective disputes are outside the purview of labour courts (which are allowed to deal only with individuals). Instead, any collective dispute falls under the administrative prerogative of the Ministry of Labour.

❹ LABOUR LAW *'REFORMS'*

As in so many underdeveloped countries, the neo-liberal agenda has been imposed on Colombian workers through changes to the labour code. Since 1990 when these changes were introduced, job and union security has become virtually impossible for thousands of former union members.

The 1990 labour legislation (known as Law 50) essentially destabilized the workforce and thus created the conditions for diminishing the size and effectiveness of organized labour. The most drastic change was the **legalization of temporary labour contracts** which formalized four- and six-hour shift hours without benefits (e.g., overtime) and encouraged term contracts of under one-year duration.

Prior to the 1990 law, workers with ten years' seniority had considerable security rights. Now, that security is virtually non-existent for anyone with less than fifteen years. The law also makes it easier for an employer to initiate collective dismissals as part of a modernization process. With the parallel neo-liberal thrust to privatization in Colombia, no seniority benefits (including retirement fees) accrue to workers who suddenly find themselves outside the public sector.

One of the best example of how Law 50 weakens the labour movement comes from the **flower industry** on the plains of Bogota. Here over 135,000 workers, mostly women, are employed by some 450 flower-producing companies whose markets are primarily external to Colombia. Although a form of temporary labour contracts had been practiced *"illegally"* prior to 1990, the effect of Law 50 reforms was to standardize this *"flexible"* system throughout the industry as a means of preventing labour organization.

Sub-contracting by temporary service companies (TSCs) is the monopoly of just a few families, but for the workers their *"boss"* is ambiguous: one entity supervises their exploited labour and another one pays them. The labour contract system has also encouraged the use of child labour during peak periods of production.

A second example comes from interviews with leaders of the **auto workers' union at the General Motors facility in Bogota.** The union had just struck GM a few weeks before our arrival and the issue was the job insecurity for over 70% of the workforce resulting from the 4-6 month contracts introduced under the 1990 labour law changes. The union membership sharply declined from 1900 workers to only 630 following the implementation of Law 50.

Our delegation was informed that on the first day of the strike, 115 labour contracts were cancelled for the most active union members. Speed-up and heavier discipline have been imposed after the strike was called off. Although the strike was unsuccessful, it does show that Colombian workers in the private sector are prepared to challenge a system that has been clearly created to fit the neo-liberal model. In this sector, it is also likely to signal GM's move to a more fully developed Japanese production system for the plant in the future.

Another feature of Colombian labour law that works against union strength is the regulation that workers must gather 25 members to be registered. Many employers will intentionally keep the workforce just below the minimum number to ensure a union-free shop. On the other hand, many enterprises are characterized by multiple unions (independent unions and company unions being the most common combination). The law further requires that two-thirds of a union membership must be of Colombian nationality and precludes non-nationals from holding union office. (This latter requirement has been ruled as a violation of the right to association by the ILO but the practice has not been eliminated.)

There is also no guarantee of a secret-ballot in union certification votes under Colombian labour law.

IN SUM, THE INSTITUTIONALIZED REPRESSION OF THE TRADE UNION MOVEMENT IS READILY ATTRIBUTED TO THE COMBINATION OF *"THE CRIMINALIZATION OF SOCIAL PROTEST"*, RESTRICTIONS ON THE RIGHTS OF ASSOCIATION AND SPECIFIC LABOUR LAW REFORMS (e.g., Law 50 of 1990).

WHAT IS NOT ACCOMPLISHED THOUGH COLOMBIAN *"JUSTICE"* IS COMMONLY DONE THROUGH THE *"INJUSTICE"* OF NAKED VIOLENCE CARRIED OUT BY THE ARMED AGENCIES OF REPRESSION--either the military or the paramilitary forces.

COLOMBIAN TRADE UNIONISM: A FINAL OVERVIEW

Throughout our meetings with Colombian trade unionists in all regions visited, we witnessed an incredible determination to carry forward the struggle against virtually impossible odds. While eleven days certainly limited our ability to meet with unionists from all sectors and regions of the country, the testimonies provided our delegation with an overview that allows us to come back to Canada and make very strong recommendations for increased trade union solidarity between Canadian and Colombian workers.

In only one instance were we troubled by anyone involved in the labour movement and that instance deserves mention.

While visiting the northern region of Uraba, members of our delegation met with the leadership of the National Agricultural Union, **SINTRAINAGRO.** The union was formed in 1988 after the government revoked the legal status of two unions: SINTAGRO and SINTRABANANO. The new union, SINTRAINAGRO, represented a fusion of the two.

SINTRAINAGRO members, both leadership and rank-and-file, have been deeply affected by the intense level of political violence in Uraba. The killings have only escalated in recent years as various forces vie to assert their presence and authority in the region. (For more detailed information on the armed actors, see the ICCHRLA Report.)

On a political level, the Patriotic Union (UP) and the Communist Party maintained a strong influence in the region during the 1980s and early 1990s. Recently however, their presence has been replaced both by the new political party, EPL, or *"Hope, Peace and Freedom"* (a party which was formed by ex-members of the People's Liberation Army, a Maoist-inspired guerrilla movement, the majority of whose members surrendered their weapons to the state in 1991), and by the paramilitary groups. Virtually all of the UP and Communist Party militants from the region have been murdered or forced into exile.

The political infighting which has taken place during these years resulted in a situation in which the interests of the mostly agricultural working class have clearly not been represented. Tragically, the political battles have resulted in the death of hundreds of militants of the UP, the Communist Party as well as the EPL. These battles have also profoundly marked the SINTRAINAGRO union.

While in the past, SINTRAINAGRO's leadership reflected the various political tendencies in the region, today, we were told, the leadership is comprised uniquely of militants from the EPL party.

During our interview with the SINTRAINAGRO leadership, our delegation was deeply disturbed both **by the tone and content** of the discussion. We were struck by the fact that the briefing provided by the union leaders represented an interpretation which was diametrically opposed to that provided to us by all the other NGOs with whom we met in the region. Specifically, the leaders expressed little concern over the incursion of paramilitary groups into the region (which has resulted in countless massacres and tens of thousands of refugees). Furthermore, they never acknowledged the abuses committed by the military in the region nor the links between the military and paramilitary forces which has been well documented by Colombian and international human rights organizations.

The SINTRAINAGRO leaders whom we met also launched a vociferous and slanderous personal attack against the courageous major of Apartado, Gloria Cuartas, a woman who is well known as a strong advocate for peace and a defender of the rights of the civilian population. **Disturbingly, the leaders did not make a single reference to the conditions of exploitation their membership experience at the hands of the local banana growers.**

Before we left the meeting, we were essentially warned that we would not be wise to travel in the region (under the auspices of church-based human rights organizations) without the prior approval and direction of the SINTRAINAGRO leadership.

Our concerns regarding the SINTRAINAGRO leadership were only heightened the following day when we met with the army commander of Uraba, **General Rito Alejo de Rio.** Here, we were struck by the fact that General de Rio's briefing of the situation in Uraba coincided exactly with that provided by SINTRAINAGRO leaders. Moreover, in referring to that union under its present leadership, General de Rio had only words of praise, describing the union as ***"the model of models".***

Our reason for raising this in this report is not just for information purposes. Rather, the SINTRANAGRO leadership told us that it had recently been accepted as an affiliate of the IUF and that this affiliation would allow it to give the international labour movement the real story of what is happening in Colombia. (Subsequent conversations with others suggest that the IUF affiliation is pending and not yet finalized.)

In any event, we are concerned that a union described by an army general, well known for his support of paramilitary death squads in the area, as a *"model of models"* will perhaps begin to play a role in the international labour movement circles that will further confuse and disinform the rest of the world about Colombian workers' struggles.

While it is certainly not our role to pass judgement on the international affiliation of Colombian trade unions, we strongly believe that this situation should be monitored very closely. There are hundreds of former members of this union who are now displaced in other regions of the country who would undoubtedly have a very different story to tell regarding the particular leadership that currently heads SINTRAINAGRO. In our view, their testimonies should form part of the final assessment of the role this union is now playing in the Uraba region.

COLOMBIA AS SEEN BY THE CANADIAN GOVERNMENT

Colombia's deplorable human rights record has been repeatedly denounced by many Colombian and international organizations, including the Human Rights Commissions of the United Nations and the Organization of American States (OAS).

Given this reality, one would expect–or perhaps hope–that the Canadian government would temper its encouragement of Canadian trade or investment in Colombia or, more positively, link any future economic involvement to human rights improvements, including the promotion of a serious peace proposal. Unfortunately, this is not the case.

While the Canadian government has begun to raise some concerns about Colombia's human rights situation both in its bilateral and multilateral relations, it has de-linked these concerns from its trade and investment promotion. In the words of a Canadian Embassy official, the bottom line remains jobs for Canadians!

A February, 1997 position paper on Colombia issued by the Department of Foreign Affairs and International Trade (DFAIT) states:

> ***"Colombia offers excellent credit risk conditions for medium- and long-term financing due to stable economic conditions in the country..."***

In the same paragraph, DFAIT makes reference to the fact that the U.S. Government has *"decertified"* Colombia in March 1996 for its non-compliance with U.S. drug-control objectives and has frozen new lending to Colombia by the U.S. Export Import Bank.

To DFAIT, this leads to one conclusion:

> ***"(The Canadian) Export Development Corporation (EDC) views this policy measure (by the U.S.) as providing a window of opportunity for new EDC lending in support of Canadian export programs in Colombia."***

DFAIT goes on to cite Colombia as EDC's largest market for its Foreign Investment Insurance policies with over $300 million in exposure, ***"particularly in the oil and gas and telecom sectors."***

Aside from our general concern that Ottawa is encouraging trade and investment with a country that has the worst human rights record in the hemisphere, the particular encouragement of further investment in oil and gas and telecom is especially troubling. It is precisely in these two sectors that the Colombian unions have been the target of state and paramilitary repression due to their opposition to the neo-liberal privatization policies.

The neo-liberal model imposed upon the world by global capital is the key to understanding Canadian commercial interests in Colombia, or to put it differently, the key to understanding the lack of more concerted action on the human rights nightmare. Since 1990, the Colombian government's policy of ***"apertura"* (opening of the economy)** has further whetted the appetite of Canadian corporations in the energy and telecommunications sectors.

Colombian privatization schemes introduced in 1991 have affected the nation's ports, railway system, cellular telephone system and domestic long-distance service, banking, chemicals, shipbuilding, agro-business, fishing and a retail gasoline chain. Two hydroelectric plants and South America's largest nickel plant were turned over to private ownership in 1996 and DFAIT predicted more of all the above-mentioned sectors would be further privatized in 1997.

Regrettably, this neo-liberal initiative in Colombia is what seems to drive DFAIT policy. **Consistent with the current Liberal government policy of de-linking trade/investment with human rights across the globe, Canadian-Colombian relations are merely one of the ugliest examples of the consequences of this profit-oriented world view.**

Oil and Gas

Three large Canadian corporations--Canadian Occidental Petroleum Ltd., TransCanada Pipelines Ltd. and Interprovincial Pipe Line Ltd--are major investors in the Colombian oil and gas sector. The sale of pipeline equipment for expansion of oil and gas pipelines and new exploration rights have increased in 1997 as Colombia moves towards a goal in average daily oil production of 1 million barrels a day by the turn of the century (from the 1996 level of 600,000 barrels per day.)

A natural gas expansion program for domestic consumption is already underway and Canadian utility corporations see this as an opportunity for further sales of equipment and expertise. The goal is to provide natural gas options to 2 million subscribers by the year 2000 from the 1997 level of 600,000 families.

A word of potential caution on this front is the $1/barrel tax on oil production that goes directly to finance the Colombian military. Should Canadian firms eventually engage in direct production, this would be a new form of Canadian complicity with the Colombian war machine that should be opposed at all costs.

Telecommunications

DFAIT speaks of a *"tremendous opportunity for investment in this sector"* as the Colombian government seeks to double its domestic lines of density per population. Specifically, opportunities exist in expansion of regular telephony, cellular and satellite-based communications, and rural telephony.

Compel, a subsidiary of Bell Canada Inc., holds a greater than 51% market share in the cellular telephone system in Eastern Colombia. Northern Telecom (Nortel) is currently installing close to half a million phone lines in and around Bogota as well as providing data packet switching equipment and private branch exchanges to Colombian companies.

The recent privatization of the television broadcasting sector will potentially offer additional investment opportunities for Canadian companies.

In both the oil/ gas and telecommunications sectors, there is no evidence to date to show that Canadian trade and investment has directly led to human rights abuses. However, we cannot deny the context in which this trade and investment is occurring: when the unions and their members in these sectors fight these massive privatization schemes on the principle that these resources and institutions should remain in the hands of the Colombian people, they are predictably murdered, disappeared, displaced or confront the *"faceless justice"* system.

Unionists in Canada and elsewhere also fight privatization for the same reasons. The difference in Colombia is that they pay with their lives for doing so.

Military (*"Defense"*) Connections

In this sector, we left Colombia with some very real and immediate concerns.

In addition to the sale of Bombardier Dash 8s for civilian purposes (for which there is no concern), the DFAIT document states:

> ***"The Colombian Air Force and the Colombian National Police are each currently employing ten Bell Textron 212 helicopters."*** (and)
>
> *"...there will be a continual requirement for helicopters on the part of the Defense Ministry...(and) the Colombian armed forces will have requirements for other fixed-wing aircraft and simulators for training"* (and finally)
>
> *"attractive financing will be critical as could a Government-to-Government structure using the services by the Canadian Commercial Corporation who have experience dealing with the Ministry(of Defense)."*

The obvious question is: what does the Colombian military do with these helicopters? Do they restrict their use to civilian purposes (such as natural disaster and medical emergency relief efforts) as was suggested to us by Canadian embassy staff in Bogota? Or are they used as part of the intimidation and repression mechanisms directed against peasant communities, rural workers and indigenous Colombians?

When we put these questions to the Commercial Attache of the Canadian Embassy in Bogota, he admitted that there is no monitoring system in place to assure Canadians that these helicopters are not used for military purposes. There is also no system in place to assure us that this high-power aerospace technology is not refitted for military purposes and use in repressive operations (e.g., strafing villages, etc.) once the equipment arrives in Colombia.

Once again, there is no conclusive evidence to date to assert that these helicopters sold by Canada to Colombia are being used in repressive operations.

However, when Rick Kitchen and Ken Luckhardt (CAW delegates on the tour) left the Bogota airport to return to Canada on October 11, they observed two 212 helicopters sitting on the tarmac fully painted in camouflage colours normally reserved for military purposes.

In view of the gross and systematic nature of abuses committed by Colombia's state security forces, we believe that there should be as an immediate suspension of all equipment sales to Colombia where the end user is the police or armed forces.

Foreign Complicity in Colombia: An Overview

While it is beyond the scope of this report, we left Colombia with the strong feeling that Colombia, more so than any other South American country, is the prize that multinational capital is seeking to fully include in its orbit. When ordinary Colombians, be they unionists, peasants, human rights workers, try to explain why they are so brutalized, they often respond with references to the long history of Colombian resistance to foreign domination.

With various degrees of sophistication, their articulation of this scenario speaks to the **crucial geo-political location of Colombia**, situated as it is at the top of the continent with port facilities on both the Atlantic and Pacific Oceans. **Colombia is probably the most bio-diverse country in the world, replete with mineral and other resources that light up the deep pockets of foreign capital.**

The Uraba region in the Northwest is one of the richest areas and, not surprisingly, one of the most conflict-ridden areas in Colombian history. Both NGO workers in Medellin and municipal authorities in Apartado we interviewed spoke of massive development plans for the region that would potentially see large mega-projects in transportation, energy and tourism by the year 2020. Even if only a small portion of such a scenario were to be realized, it would go a long way towards explaining the current military/paramilitary policy of clearing the area of any institutions of civil society that threaten to impede or prevent such foreign-controlled capitalist development.

It is imperative that we begin to focus more attention on analyzing these developments in Colombia, specifically the Canadian connections, if we are ever going to be capable of responding with the level of international solidarity that is needed by the Colombian people to stop the bloodshed.

INTERNATIONAL SOLIDARITY WITH COLOMBIA: RECOMMENDATIONS

In this final section of the tour report, we want to broadly outline major areas of solidarity work that we believe are important and practical over the next months. These areas of work and recommendations are not specifically tied to any particular Canadian unions or organizations, although some obviously are better suited to certain organizations than others.

***TRADE UNION EXCHANGES

For historical reasons related to repression, there is the need for Colombian trade unionists to overcome their isolation and to be able to relate their experiences to the international trade union community. This has begun to happen within the continent, but we recommend that the Canadian Labour Congress and its affiliates begin this process by inviting Colombian union leaders and activists to Canada for speaking/solidarity tours in the near future. These exchanges can also include additional Canadian union participation in Colombian trade union activities in the south as the political situation permits.

There are many Colombian unions that would dearly love to meet with their Canadian counterparts. **The unions in the energy (oil and gas), telecommunications, education, food, agricultural, and auto sectors as well as the central body (CUT) would be obvious candidates**.
As well, with regard to trade union education on Colombia, Canadian unions should take advantage of the Colombian trade unionists currently in exile in Canada. At least two such persons are well known to our delegation and they are always ready and willing to speak to Canadian trade union functions.

***TRADE UNION REFUGEE SUPPORT

Every trade union organization we met during the tour, especially the leadership of the central body (CUT), emphasized the importance of the international trade union community providing refuge for trade unionists facing death threats in Colombia. This might entail only short-term accommodation or it might entail long-term refugee support until conditions significantly improve in Colombia. Whichever may be required, and it will vary with the individuals in question, we need to begin to plan for such solidarity.

Many unions in Canada have done considerable educational work around the issues of immigration and refugee policy. It would be a logical next step to set in place a process for providing refugee support for the courageous Colombian unionists who need to survive and cannot find a safe haven in their own country.

When our delegation met with Canadian Foreign Affairs Minister, Lloyd Axworthy, following our trip, this was one policy area that Mr. Axworthy expressed some sympathy for in the future. He made reference to a similar *"fast-track"* refugee policy put in place for Central Americans during the height of the civil war period in the 1980s.

Thus far, it has been the Canadian churches that have been in the forefront of this kind of refugee initiative. We believe it is time for the Canadian unions to join the churches in setting up such a mechanism. **We would not only be saving lives; we would also greatly benefit from having Colombian trade unionists in our midst.**

***RESEARCHING CANADIAN CONNECTIONS IN COLOMBIA

In order to break the silence on Colombia in a meaningful way, there is the need for a research initiative that would document the various and growing forms of Canadian trade and investment in Colombia. Establishing such a data base would then allow for greater lobbying efforts by Canadian organizations on their governments and on Canadian corporations who are trying to take advantage of neo-liberal investment opportunities while ignoring the fate of the Colombian people.

This initiative, in our view, would best be accomplished by a collaborative effort between Canadian and Colombian NGOs who are in a position to exchange documentation and follow up questions of relationships between the two countries. Trade union research, education and international labour fund departments could, and should, be involved in such a project. There are identified Colombian NGOs that would be able to carry out this project at their end if sufficient funding were provided from the north.

***"*CLEAN FLOWERS"* (FAIR TRADE) CAMPAIGN

One of the most insidious employment situations we observed in Colombia is the plight of the female flower workers (referred to earlier in the report) working on contracts for 450 employers on the plains of Bogota. These women are not only forced to eke out a bare subsistence while being exposed to dangerous chemicals in greenhouse production units; they are also targeted by paramilitary forces when they attempt to organize.

We have discovered that upwards of **60% of fresh flower imports to Canada come from Colombia.** This is obviously a significant portion of the import market and we believe that a fair-trade campaign in flowers--like those currently underway re: coffee and other consumer commodities--is long overdue in Canada. A *"clean flowers"* campaign re: Colombian flower exports already has been established by European NGOs and labour bodies.

Preparing for the Santiago Summit

(N.B.: Underlined sections are policy statements/recommendations)

1. Possible Strategies or Approaches

Read options (A) and (B) below and consider which of these approaches ICCHRLA should prioritize.

A. Engage on the agenda set by the Heads of State of the Americas

Do we focus on critiquing and seeking to amend/improve the Free Trade Agreement for the Americas (FTAA) process ... call for social charter, more democratic process of policy formulation, accountability, etc.?

AND/OR

B. Call for a different and broader agenda (that which our partners are calling for)

Do we expose the devastatingly negative impact on human rights throughout the region of the entire economic model and call for an alternative approach to integration, requiring a radically different set of priorities?

2. Elements of ICCHRLA's Policy Position

A. Advocate for an Alternative Vision based on Ethical Values

Read this section and be prepared to state if you agree that this is what ICCHRLA should bring to Santiago; are there elements which are missing, shoula be stated in a different way or dropped?

ICCHRLA -- a coalition formed by more than 20 Canadian churches and religious communities to monitor and respond to human rights violations in Latin America -- is participating in the Canadian delegation that will attend the Santiago Popular Summit in order to raise up the concerns of our church and human rights partners in Latin America who communicate to us an urgent message: unemployment and poverty are growing at an alarming rate throughout the region, creating a crisis of enormous proportions. The Latin America Bishops Council describes the situation as a "powder keg" that could "blow up" at any moment. Every day, there are more people who eat less, say human rights groups like the Defensoría Maya in Guatemala. Economic and social policies have reduced most people's living conditions to "previously unthinkable levels", state the Venezuelan Bishops.

This is one of the most pressing human rights issue facing the region -- a situation of death, as Bishop Samuel Ruiz of San Cristobal de las Casas has called it, referring to the incidence of disease and premature death brought on by chronic malnutrition in Chiapas, Mexico -- and one which our heads of state must make a priority to address within any integration proposals.

While poverty, unemployment and social disintegration are growing throughout Latin America, many of the region's governments are boasting that their economies are growing. Clearly, an ever smaller number of people are benefiting from that macro-economic growth. "There is no longer a gap between the rich and the poor, there is truly a bottomless abyss", states the Latin American Bishops Council. Ordinary people work more but earn less, conclude the Venezuelan Bishops while denouncing that "inequalities between earnings widen." [*Please note that we are waiting for statements from CLAI so that we can include an ecumenical Latin American position*]

This is a situation which must also be effectively addressed by our elected governments, as they discuss integration proposals. ICCHRLA joins our partners in Latin America, along with the hundreds of organizations who will gather at the Santiago Popular Summit, in calling on the region's heads of state for economic policies and trade agreements that have as their core objective to respond to the needs of all people and to respect rather than undermine their fundamental human rights.

Fundamentally, ICCHRLA believes that trade agreements and economic integration proposals for the Americas must seek to promote more than just economic growth, but include mechanisms to more equitably distribute the generation of wealth so as to guarantee life with dignity for all people. Any future trade agreements or integration proposals must respond to essential human needs and contain guarantees for the respect of the broad spectrum of rights which the governments of the Americas have already committed themselves to defend by signing on to the United Nations Universal Declaration on Human Rights, as well as the UN Covenant on Economic, Social and Cultural Rights.

Since economic integration proposals will have a profound impact on people's lives, formulating those proposals must be a transparent process that includes genuine consultation and real public input.

B. Use Mexico to Expose Our Concerns with Free Trade Agreements to date (link between NAFTA, militarization, repression and lack of mechanisms to address the situation)

Read this section and be prepared to state if you agree that this is what ICCHRLA should bring to Santiago; are there elements which are missing, should be stated in a different way or dropped?

1. Through ICCHRLA, the Canadian churches have monitored Mexico since 1990. Together with our church and human rights partner organizations in Mexico, ICCHRLA is deeply concerned about the way NAFTA has formalized and institutionalized trade liberalization policies that have had a profoundly negative impact on the living conditions and basic human rights of the majority of Mexicans.

Those negative impacts include:

* a growth in unemployment and drop in real wages to a quarter of earnings in 1980 (for those lucky enough to still have jobs) which has led to growing poverty and decreased the ability of families to meet their basic needs in the face of rising prices
* this has coincided with an alarming increase in crime and citizen insecurity
* one of the few sectors where new jobs have been created is in the maquilas, where labour and human rights are routinely and flagrantly abused (right to organize, right to safe conditions of employment, right to reproductive freedom, health rights, right to fair wage, etc.)
* changes in the land tenure system along with the removal of subsidies and economic supports for small farmers (in favour of subsidies for agro-exports) have made it impossible for many to survive on their land, forcing them to migrate to urban slums or the maquila zones of the US-Mexico border. Indigenous Mexicans have been among those hardest hit.

2. ICCHRLA is also deeply concerned about the fact that the implementation of NAFTA has coincided with a disturbing increase in militarization. The Mexican military budget has doubled since 1992. U.S. sales of military equipment to Mexico have also increased. Military officers now command the police forces in all but three Mexican states and the number of soldiers in Chiapas now number as high as 70,000, or one per family in the highlands.

The Mexican government argues this is aimed at reestablishing law and order in the face of increasing crime, drug trafficking and/or armed rebellion. However, the military is also being used increasingly to quell legitimate social protest. As an indigenous campesino from Guadalupe Tepeyac said: *"We ask for housing and they send planes. We ask for water pipes and they send cannons. We ask for doctors and teachers and they send soldiers, and all this does not help us to live."*

ICCHRLA is extremely concerned that trade liberalization and its institutionalization through NAFTA in Mexico has been accompanied by a clear strategy on the part of the government to use repression to control growing social opposition.

That repression is evident in events such as the violent attack by militarized police on a peaceful protest in May 1997 regarding land claims by Tarahumara indigenous people; attacks against and arbitrary detention of maquila workers attempting to organize to defend their rights; surveillance, death threats and armed attacks against human rights and church workers; the expulsion of international human rights observers and foreign priests; as well as a documented military strategy of encouraging and supporting paramilitary groups in Chiapas who have clear links to the ruling PRI party and who are terrorizing indigenous campesinos suspected of sympathizing with the Zapatistas.

ICCHRLA is extremely concerned that what has happened in Mexico – i.e. free trade agreement leading to worsening poverty and inequity, leading to social protest that is met with repression and human rights violations by state security forces – may be repeated in other countries as the FTA is expanded. ICCHRLA therefore urges that the inequities that are provoking social protest must be effectively addressed within any future integration proposal for the Americas, as well as within the existing North American Free Trade Agreement with Mexico.

C. Expose our Concerns about Canada's Role in Promoting FTAA

Read this section and be prepared to state if you agree that this is what ICCHRLA should bring to Santiago; are there elements which are missing, should be stated in a different way or dropped?

1. ICCHRLA is seriously concerned that as a member of NAFTA, the Canadian government has been unable or unwilling to publicly condemn increasing repression in Mexico and to hold the Mexican government responsible.

In the face of an alarming deterioration in the human rights situation in Mexico and growing evidence of "dirty war" counter-insurgency tactics by the Mexican military and its paramilitary allies in Chiapas, the Canadian government continues to make the promotion of increased trade links with Mexico its overriding priority, at the expense of Canada's ability to effectively address growing human rights violations.

Barely 3 weeks after a paramilitary group linked to the PRI government massacred 45 indigenou Mexicans who were attending a religious ceremony in the Chiapas village of Acteal, the Canadian government led a trade mission to Mexico that signed 91 business deals worth more than $230 million. Mexican President Ernesto Zedillo called these deals "music to my ears". Th Canadian delegation also commended President Zedillo for the way in which he was responding to the massacre, even though as Commander in Chief of the Armed Forces, President Zedillo is ultimately responsible for the army's strategy of encouraging and supporting paramilitary groups These groups were responsible for the massacre in addition to hundreds of less visible killings and attacks on indigenous people in more isolated parts of Chiapas, which continue today.

In stark contrast, just days after the killing of some 52 ethnic Albanians in Serbia, the Canadian government issued an immediate embargo and suspended export credits. Foreign Minister Axworthy stated: "Our position is quite clear that the federal republic of Yugoslavia government must understand the repressive actions taken will not be tolerated by the international community."

2. ICCHRLA continues to call on the Canadian government to make a similarly vocal and unequivocal statement about repressive actions in Mexico. We also call for a Democracy Clause like that which the European Union included in its negotiations for a trade agreement with Mexico, as a means to condition trade on human rights guarantees.

3. ICCHRLA is concerned that Canada's trading relationship with Mexico is censoring our voice within the broader international community. Canada's delegation at the United Nations Commission on Human Rights has consistently failed to discuss the deteriorating situation in Mexico. While the Canadian Embassy denounced the Acteal massacre, it has never made public the findings of an investigation that might identify those responsible.

4. ICCHRLA is also concerned about possible links between the Canadian Security Intelligence Service (CSIS) and Mexican counterparts. In 1995, at the same time that the Mexican military was circulating a black list that included the names of church and human rights workers and accused them of being "involved with the Zapatistas", ICCHRLA received a request from CSIS for information about our Mexican partners.

5. At the Santiago Summit, the Canadian government will be leading negotiations among the participating Heads of State on human rights and democracy. ICCHRLA is concerned that those negotiations exclude any discussion of social, economic or cultural rights – those rights which have been undermined by NAFTA and other trade liberalization measures and which, in Mexico, have led to social protest and subsequently, state repression. ICCHRLA calls on the government of Canada, along with the other American States, to realize their responsibility to protect *all* human rights, not just civil and political rights. Additionally, ICCHRLA is concerned that the issues of human rights and democracy are being discussed in complete isolation from the negotiations on economic integration and free trade, which in themselves threaten to undermine human rights and democracy.

D. Advocate for Human Rights Guarantees within any expansion of FTA

When you read this section, please note that disagreement remains about what mechanisms are needed to guarantee human rights are respected within trade agreements and how they should be implemented (e.g. introduce a clause in trade agreement that requires respect of existing UN and ILO Conventions vs implement a broad social charter). This matter is to be debated at the upcoming Santiago planning meeting for NGOs– at which ICCHRLA will be present– in the hope of arriving at a common Canadian position.

Which of the following options would you support?:

Option 1

ICCHRLA calls for mechanisms to ensure any integration proposals or expansion of the FTA respect, enhance and in no way undermine human rights that have been enshrined in United Nations Covenants and ILO Conventions to which we are signatory.

We should support this option, but be clear that we are not in a position to be able to say what or how these mechanisms should be implemented, leaving that to others, such as ECEJ to formulate.

Option 2

We should support former ICCHRLA Board Chair John Foster's proposal that:

- i) Calls for free standing social charter with effective enforcement mechanisms *and* a clause within the trade agreement which references everything in the agreement to the standards set in the social charter;
- ii) Calls for effective monitoring and enforcement mechanisms;
- iii) Calls for democratic accountability, transparency and effective participation of elected representatives and civil organizations.

Option 3

We should support any consensus which may be reached at the Santiago planning meeting.

Option 4

We should say nothing on the matter of *how* to guarantee human rights within any expansion of an FTA.

ANNEX F
SANTIAGO SUMMIT DOCUMENTS

b) Press Release: ICCHRLA calls on Heads of State at Summit for Enforceable Human Rights Guarantees in any Trade Agreement

Warren Allmand, President of the International Centre for Human Rights and Democratic Development, who was a featured speaker at the Human Rights Forum of the People´s Summit said: "Two weeks ago at the United Nations, both Canada and Mexico supported a resolution to protect human rights workers. Yet these women, who were acting as human rights workers have certainly not received the protection they deserve. This isn´t the only case of a failure to live up to commitments made in UN resolutions. That´s why human rights guarantees must be embedded in any future economic integration agreement for the Americas. We can draw on the experience of the European Union´s democracy clause in their trade agreement with Mexico."

"Canada speaks so softly neither we, nor those Mexicans whose lives are in danger, can hear them," states John Foster, Ariel Sallows Professor of International Human Rights at the College of Law, University of Saskatchewan, also in Santiago for the People´s Summit. "Canada should be working energetically with other countries to encourage Mexico to implement the San Andres Accords and bring peace to the region. Given the war that is taking place, international observers can contribute to the reduction of tension and the observance of human rights."

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For more information

Joe Gunn, Warren Allmand and John Foster will answer questions at a
Press Conference at the Hotel Galerias, Salon Rauli 1, 13th floor, San Antonio 65 at 3 PM on Friday, April 17,
prior to the Canadian delegation´s meeting with Ministers Axworthy and Marchi.

They can also be reached for interviews at Hotel Galeria (Tel. 361-1911)
or through Patty Barrera (Cell 09-330-0031)

Inter-Church Committee on Human Rights in Latin America

PRESS RELEASE

Canadian churches call on Heads of State at Summit of the Americas for enforceable human rights guarantees in any trade agreements

April 9, 1998
For immediate release

(*Toronto*) The Inter-Church Committee on Human Rights in Latin America (ICCHRLA) – a Canadian coalition representing more than 20 major national Christian churches and religious orders – is sending two representatives to participate in the People's Summit in Santiago, Chile from April 15-18. Chairperson Joe Gunn and Communications Coordinator Kathy Price will deliver ICCHRLA's message that enforceable human rights guarantees must be included in any economic integration agreement between the countries of the Americas.

Some 2,000 representatives of church, human rights, labour, indigenous, environmental and other civil society organizations from across the Americas are expected to attend the People's Summit and will elaborate a People's Agenda to be delivered to the Heads of State who will also be gathered in Santiago for the Second Summit of the Americas on April 18 and 19. The Second Summit of the Americas will launch talks intended to hammer out a mega trade pact called the Free Trade Area of the Americas (FTAA).

"While 1998 marks the 50th anniversary of the United Nations Universal Declaration of Human Rights, the core rights it enshrines are being violated throughout the Americas, often as a direct result of neo-liberal trade liberalization policies," states Joe Gunn. "These are precisely the policies which will be deepened by the proposed Free Trade Area of the Americas."

ICCHRLA's church and human rights partner organizations throughout the hemisphere have issued urgent calls about the devastating human impact of neo-liberal economic policies, drawing attention to an alarming increase in unemployment, poverty, marginalization, economic inequality and social disintegration.

States ICCHRLA Chair Joe Gunn: "Our Christian conscience leads us to demand that this shameful situation, occurring as it does on the brink of the new millenium, must be rectified. What the peoples of the Americas want is peace, dignity and equality. Trade policies must serve as a means to that end. That is why we are urging that any trade agreement emerging from the Santiago Summit must have as its core objective, its first priority, to respond to the essential human needs of all of the region's citizens. Any agreement must also guarantee, with enforceable mechanisms, the fundamental and internationally-recognized human rights of all citizens to adequate food, just conditions of employment, fair wages, and access to health care and education, as well as to civil, political and cultural rights. After all, if increased trade, presented in the neo-liberal framework, cannot offer these rights to the people of the Americas, then why encourage it?"

ICCHRLA is extremely concerned that discussions on human rights at the Second Summit of the Americas are taking place separately from trade discussions. "Our monitoring of Mexico has shown how trade liberalization measures that culminated in the NAFTA have exacerbated existing levels of poverty and inequality, provoking increasing social protest and in turn, an alarming increase in the use of military and paramilitary repression to control that protest," reports ICCHRLA's Kathy Price. "This is a warning bell that must be heeded by the governments of the Americas. It is imperative that social inequities are addressed and that human rights guarantees be built into the terms of any new trade agreements. Separate, parallel agreements on human rights may seem to commit governments on paper but in fact provide no real, enforceable protections."

ICCHRLA is also preparing for the 18 month period after the Santiago Summit, when Canada will chair continuing negotiations on the FTAA. "International Trade Minister Sergio Marchi has indicated an openness to receive public input on how the agreement should evolve," states ICCHRLA Chair Joe Gunn. "We want him to ensure that public consultations are broadly inclusive, that the concerns of all sectors of society are sincerely taken into consideration and that trade policies are developed in response to the needs of all the peoples of the Americas."

FOR MORE INFORMATION

Joe Gunn and Kathy Price will be in Santiago from April 14 to April 20
and can be reached at
Hotel Galerias (San Antonio 65), Tel. 56-2-361-1911; Fax. 56-2-633-0821.
E-mail: rechip@reuna.cl (Subject: For Kathy Price)

Or contact Suzanne Rumsey, ICCHRLA Mexico Program Coordinator,
Tel. (416) 921-0801; Fax. (416) 921-3843

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ANNEX F
SANTIAGO SUMMIT DOCUMENTS

c) Press Release: Is trade trumping human rights? Canadian human rights groups criticize lost opportunity to defend human rights in Mexico.

PRESS RELEASE

Is trade trumping human rights? Canadian human rights groups criticize lost opportunity to defend human rights in Mexico

SANTIAGO, April 17, 1998 -- At a meeting with Foreign Minister Axworthy and International Trade Minister Sergio Marchi at 4 PM today, Canadian human rights advocates will ask why the Canadian government has failed to use existing multilateral human rights mechanisms to sanction Mexico for a pattern of continued and gross human rights violations.

The Inter-Church Committee on Human Rights in Latin America (ICCHRLA) and the International Centre for Human Rights and Democratic Development (ICHRDD), along with more than a dozen other labour and social organizations participating at the People's Summit of the Americas, are to meet with the Canadian Ministers to present their concerns on the eve of the Second Summit of the Americas.

Yesterday, at the United Nations Commission on Human Rights in Geneva, Canada failed to include Mexico in its Item 10 speech identifying countries where serious human rights violations are taking place. ICCHRLA and ICCHRD have repeatedly called for such a mention as a first step to addressing an escalating human rights crisis in Mexico. That crisis took on even more ominous overtones on April 11 with the expulsion from Mexico of two Quebec women who were working as international human rights observers with the respected Mexican human rights group Fray Bartolome de las Casas, in the conflict-ridden and increasingly militarized state of Chiapas.

"We want to know whether and in what terms Prime Minister Chretien has raised the violation of the basic human rights of indigenous people in Chiapas and the disturbing expulsion of Canadian human rights observers in his private bilateral discussions with Mexican President Zedillo today in Santiago," said Joe Gunn, chair of the Inter-Church Committee on Human Rights in Latin America, an ecumenical coalition of more than 20 Canadian chuches and religious communities that is participating in the People's Summit. "It is of great concern to us that yet again Canada has failed to respond to our calls to use the United Nations to address a situation which has deteriorated into a low intensity and dirty war against the indigenous population of Chiapas. Private bilateral conversations to date have produced no real effect. If being a member of NAFTA means we are no longer able or willing to speak out publicly and unequivocally in defence of human rights or peace in Mexico, then we have grave concerns about what will happen under the proposed FTAA."

On April 11, two Quebec women joined some 200 foreigners who have been expelled from Mexico since 1997. Canadian and Mexican human rights groups maintain that the presence of international observers in Chiapas has protected the safety of indigenous people in isolated villages surrounded by hostile military and paramilitary forces.

Warren Allmand, President of the International Centre for Human Rights and Democratic Development, who was a featured speaker at the Human Rights Forum of the People's Summit said: "Two weeks ago at the United Nations, both Canada and Mexico supported a resolution to protect human rights workers. Yet these women, who were acting as human rights workers have certainly not received the protection they deserve. This isn't the only case of a failure to live up to commitments made in UN resolutions. That's why human rights guarantees must be embedded in any future economic integration agreement for the Americas. We can draw on the experience of the European Union's democracy clause in their trade agreement with Mexico."

"Canada speaks so softly neither we, nor those Mexicans whose lives are in danger, can hear them," states John Foster, Ariel Sallows Professor of International Human Rights at the College of Law, University of Saskatchewan, also in Santiago for the People's Summit. "Canada should be working energetically with other countries to encourage Mexico to implement the San Andres Accords and bring peace to the region. Given the war that is taking place, international observers can contribute to the reduction of tension and the observance of human rights."

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For more information

Joe Gunn, Warren Allmand and John Foster will answer questions at a
Press Conference at the Hotel Galerias, Salon Rauli 1, 13th floor, San Antonio 65
at 3 PM on Friday, April 17,
prior to the Canadian delegation's meeting with Ministers Axworthy and Marchi.

They can also be reached for interviews at Hotel Galeria (Tel. 361-1911)
or through Patty Barrera (Cell 09-330-0031)

ANNEX F
SANTIAGO SUMMIT DOCUMENTS

d) People's Alternative Summit Final Declaration: Human Rights Forum

Considerando que la democracia está estrechamente vinculada a los derechos humanos y que los Estados y sus autoridades sólo se justifican, en último término, en función del respeto, promoción y garantía de esos derechos fundamentales.

Revalorizando todos los esfuerzos hechos en los países americanos por construir una agenda común de derechos humanos y asumiendo algunas propuestas recogidas para incidir en los distintos espacios de discusión y toma de decisiones en el que participan los Estados (Conferencia Mundial de Derechos Humanos 1993), Cumbre Iberoamericana de Jefes de Estado y Gobierno, Chile 1996, Asamblea General de la OEA, Lima 1997). Afirmando que la democracia, entendida como un conjunto de prácticas socio-políticas, nace y encuentra legitimidad y justificación sí y sólo sí garantiza el principio de autodeterminación de los pueblos y se dirige a la plena realización de los ideales de la libertad, la igualdad y la solidaridad.

Con la absoluta certeza de que sin justicia, ninguna gobernabilidad democrática puede estar asegurada, nos resulta necesario y urgente, que las más altas autoridades de nuestra región, incorporen en su debate el tema de los derechos humanos para la construcción de sólidas democracias en América.

En ocasión de celebrarse en 1998 la Cumbre de las Américas las Organizaciones No Gubernamentales de derechos humanos de América, ratificamos las propuestas que se han venido impulsando con la esperanza de que los gobiernos de América asuman como valores éticos de la democracia, los principios y valores aceptados por la comunidad internacional al consagrar normas de protección en materias de derechos humanos, considerando que éstos nunca deben sacrificarse en aras de modelos de desarrollo que atenten contra la dignidad humana, reafirmándose la democracia como escenario ideal para el pleno goce y disfrute de los derechos humanos.

Las organizaciones que suscriben este documento consideran de mucha importancia el encuentro de los presidentes y recomiendan tengan en cuenta:

1.-La ratificación del principio de responsabilidad única y exclusiva del Estado en la protección de los derechos humanos, la cual no puede desplazarse hacia los particulares, ni en cuanto a las garantías para el disfrute de los derechos, ni en relación a la violación de éstos.

2.-La ratificación de los principios de cooperación y coordinación entre los mecanismos internacionales y regionales de protección de los derechos humanos, así como el derecho de los particulares afectados a elegir el mecanismo que mejor satisfaga su necesidad de respuesta oportuna y efectiva, así como el derecho a una reparación que incluya la restitución , compensación , rehabilitación., satisfacción y la garantía de no repetición d los actos agraviantes, según los principios y directrices básicos sobre el derecho de las víctimas de violaciones a los derechos humanos y al derecho humanitario internacional a obtener reparación (doc.ONU E/CN 4/1997/104).

3.-La promoción, el respeto, la exigibilidad y justiciabilidad de los derechos económicos, sociales y culturales, tanto en el terreno nacional como en el internacional, mediante el establecimiento y perfeccionamiento de mecanismos judiciales y administrativos que permitan a la población exigir el respeto de dichos derechos a nivel nacional, así como el desarrollo de un sistema integral de verificación y tramitación de denuncias a niv internacional que incluya el reconocimiento de los particulares como actores fundamentales de dicho proceso. La importancia de garantizar los derechos económicos, sociales y culturales en los procesos de integración económica y política regional.

4.-El rechazo a la imposición de medidas legislativas o económicas que signifique menoscabo a los derechos adquiridos de los trabajadores/as y la denuncia de l incompatibilidad entre los tratados internacionales de derechos humanos y las medidas de ajustes estructural sugeridas por las agencias financieras multilaterales que signifiquen e desplazamiento de la responsabilidad del Estado hacia particulares, en materias tale como derecho a la salud, el trabajo, la educación, la vivienda y la seguridad social o la imposición de limitaciones al ejercicio pleno de las libertades sindicales.

5.-La reafirmación de la estrecha e indisoluble relación existente entre Democracia, Desarrollo y Derechos Humanos, para lo cual es indispensable ampliar el conjunto d derechos políticos reconocidos a los ciudadanos y en especial el de la participación en la decisiones políticas, el establecimiento de sistemas electorales independientes y la promoción de programas destinados a alcanzar la autonomía, imparcialidad y profesionalización del Poder Judicial.

6.La independencia de la administración de justicia y su fortalecimiento, a partir d sistemas de designación y remoción de jueces y funcionarios/as, acordes con la idoneida y la imparcialidad coma garantía de la vigencia de los derechos constitucionales y del acceso a la justicia para todos y todas.

7. La impunidad constituye un fenómeno internacional y generalizado en la región, cuyos efectos sobre nuestros países tienen directa relación con las dificultades que han presentado nuestras sociedades para reconciliarse y reencontrarse efectivamente con la democracia, generándose, por el contrario, fuertes tensiones que incluso han puesto en riesgo los espacios de libertades ya ganados. La impunidad, como ausencia de verdad, justicia y reparación, frente a las graves violaciones a los derechos humanos, permea y corroe nuestras sociedades en sus basamentos éticos y morales . En este sentido , es urgente que las autoridades de nuestra región reconozcan las fallas de los sistemas jurídicos e implementen las reformas nesesarias para erradicar la impunidad.

8.La creación de una Corte Penal Internacional Permanente es nesesaria como complemento a los sistemas judiciales nacionales para investigar y procesar por graves delitos como el genocidio, los crímenes de lesa humanidad y las serias violaciones de las leyes humanitarias interancionales. Instamos a los Estados a comprometerse a crear una Corte Penal Internacional justa, eficaz e independiente, mediante la elaboración de un estatuto progresivo durante la próxima Conferencia Diplomática en Roma.

9.-La importancia de garantizar el habeas corpus y el amparo como recursos breves, sencillos y efectivos para la protección de los derechos fundamentales. El rechazo contra toda medida que atente contra el pleno disfrute del derecho a la vida, la integridad física y la protección contra la desaparición forzosa, derechos que se ven particularmente afectados a causa del abuso de poderes excepcionales por parte del ejecutivo, el fuero militar –en ocasiones extendido a cuerpos policiales- y medidas prejudiciales que en la práctica se convierten en obstáculos a la justicia, las amnistías a responsables de violaciones de los derechos humanos, la extensión del secreto sumarial más allá de todo límite, la interferencia del poder ejecutivo o de fuerzas económicas o políticas en el poder judicial y otros mecanismos que facilitan la impunidad.

10.-El establecimiento de canales y mecanismos que aseguren una creciente intervención de las mujeres, minorías, niños y adolescentes, grupos étnicos, pueblos indígenas, comunidades negras, discapacitados, aquellos discriminados en razón de su orientación sexual y otros sectores discriminados o vulnerables, incluyendolas en la toma de decisiones que afecten y comprometan el disfrute de sus derechos.

11. Recomendamos a los Estados incorporen en sus legislaciones, normas que garantizen un ejercicio libre y responsable de los derechos reproductivos, profundizando la prevención y la plena información de las mujeres, y servicios públicos de la salud gratuitos que permitan el acceso voluntario de éstas a los métodos preventivos relacionados con su salud reproductiva e integral.

12.-El impulso de programas de formación en Derechos Humanos hacia los funcionarios encargados de hacer cumplir la ley, así como a las Fuerzas Armadas, la incorporación de los Derechos Humanos en los programas de educación formal y no formal desde el preescolar hasta la educación superior y la adecuación y perfeccionamiento del ordenamiento jurídico interno al Derecho Internacional de los Derechos Humanos, con el objeto de promocionar con seriedad y eficacia una cultura acorde con el respeto y la defensa de los Derechos Humanos, por parte de los Estados.

13.-La inclusión de la perspectiva de género en los niveles de los organismos normativos nacionales e internacionales, en los programas, textos, informes que se laboren, que contribuya a una lectura de la realidad reveladora de las causas y efectos de la discriminación contra las mujeres de modo que permita superarla y desarrollar una cultura de participación igualitaria, que valore en toda su dimensión las posibilidades y aportaciones propias de la mujer.

14.-La ratificación de los Pactos e Instrumentos protectores de los Derechos Humanos p parte de todos los Estados, sin reservas que disminuyan su eficacia. En particular recomendamos la ratificación del Pacto de San Salvador sobre Derechos Económicos Sociales y Culturales. El envío regular de peticiones por la Asamblea General de la OE para que los Estados no ratificantes expliquen su reticencia. El impulso de nuevos mecanismos que garanticen la efectividad de los derechos económicos, sociales y culturales como un Protocolo Facultativo del Pacto Internacional de Derechos Económicos Sociales y Culturales de las Naciones Unidas.

15.-El cumplimiento por los Estados de las observaciones y recomendaciones formulada por los distintos órganos del Sistema de Protección Universal y Regional de los Derechos Humanos.

16.-La aplicación del Derecho al Desarrollo como un derecho universal e inalienable y como parte integrante de los derechos humanos fundamentales, tal como ha sido declarado por la Asamblea General de la ONU en 1986.

17.-Poner énfasis en la transparencia de la gestión pública, y en particular, en la creación de mecanismos concretos para garantizar la participación ciudadana en el diseño, supervisión e implementación de políticas públicas a nivel nacional e internacional. Asimismo, garantizar la creación de mecanismos de participación y fiscalización ciudadana en las instituciones financieras internacionales, la OMC, el Grupo de Revisión de la Implementación de Cumbres y la OEA.

18.-La protección del medio ambiente como derecho indivisible e interdependiente con los demás. Sólo a través de políticas de desarrollo que garanticen un medio ambiente seguro, sano y ecológicamente racional se puede satisfacer equitativamente el derecho a la vida digna de las generaciones actuales, sin afectar el derecho a las generaciones futuras a satisfacer equitativamente sus necesidades. El carácter irreversible de los daños ambientales, exige que los Estados consideren prioritario evitar actividades que reviertan el impacto ambiental frente a los beneficios económicos inmediatos que puedan generar. Se deben establecer mecanismos que garanticen que los países desarrollados asuman el costo de los gastos ambientales de las actividades, tanto públicas como privadas, generadas en los países en desarrollo, estableciendo controles que minimicen dichos gastos, así como respondiendo debidamente a los daños producidos.

19.-La formulación de una declaración expresa de condena a todas las formas de discriminación y/o multidiscriminación por condición de género y orientación sexual, de razas, de etnias, de religión, de grupos sociales o culturales, de nacionalidad y opinión política. Así como la puesta en práctica efectiva de los tratados internacionales y regionales ratificados por los Estados sobre esta materia.

20.-La protección especial nacional e internacional para las personas discapacitadas y de la tercera edad, trabajadores/ras migrantes, población sin techo, desplazados/das internos/as, afectados/as por el VIH/SIDA y múltiples grupos discriminados y marginados.

21.-La necesidad de no discriminar a portadores/ras y enfermos/as del VIH/SIDA y el resguardo de su derecho a recibir los tratamientos necesarios que les garanticen mejor calidad de vida en todos los niveles incluyendo a quienes se encuentren privados/as de libertad.

22.-La condena e inclusión de medidas internas e internacionales eficaces para erradicar las prácticas y políticas de "limpieza social" que se manifiestan entre otras formas, por el exterminio físico, la marginación o los atentados contra las prostitutas, homosexuales, lesbianas, niños y niñas de la calle, comunidades negras e indígenas, así como otros grupos sociales discriminados por la sociedad.

23.-La protección de niños, niñas y jóvenes desplazados por la violencia política, víctimas de conflictos armados y en situación de abandono. La condena del tráfico de niños y niñas, falsas adopciones, negación de su identidad, venta de sus órganos, prostitución y de toda otra forma de abuso que vaya en contra de su desarrollo, y la consideración de estas prácticas como violaciones masivas de los derechos humanos de la niñez. La protección legal de niños y adolescentes trabajadores y la erradicación de toda forma de explotación económica.

24.-El cumplimiento por parte de los Estados de la Convención Internacional sobre los Derechos del Niño y la Niña, respetando su legítima identidad y resaltando su condición de sujetos de derechos humanos. La promulgación de leyes severas que castiguen los crímenes de los cuales son objeto, y la exigencia de respetar los mecanismos adoptados por la ONU, tales como el límite de dieciocho años para la imputabilidad penal. Así como cumplir con las Reglas de las Naciones Unidas en relación a la administración de justicia (Beijing) y a la protección de menores privados de libertad (Ryadh).

25.-El reconocimiento específico de los/las desplazados/das internos/nas u los derechos que les son inherentes, la creación de un órgano independiente e internacional que les brinde protección y la agilización de los procedimientos que garanticen su cumplimiento, así como la protección de la población que se desplaza por causa de la violencia hacia otros países, garantizándoles la seguridad y el derecho a no ser devueltos a su país de origen sin su consentimiento, ni a ningún país donde su vida, su integridad o su libertad se encuentren amenazadas.

26.-La efectiva implementación del derecho al asilo y/o refugio por parte de los Estados que no lo han hecho, reglamentándolo internamente en consonancia con los instrumentos internacionales que los vinculan.

27.-La ratificación de la Convención de Ottawa sobre el desmantelamiento y destrucción pública de todos los arsenales de minas terrestres anti-personales que, en este momento, se encuentran en manos de las Fuerzas Armadas de los países participantes de la Cumbre.

28.-La afirmación de los derechos a la comunicación, a la investigación y a la recepción de información y opiniones. Establecer la obligación de los Estados miembros de derogar todos los mecanismos de censura oficiales, así como todas las figuras penales que supongan una protección especial para funcionarios/rias. Garantizar el pluralismo informativo, facilitando el acceso a los medios de difusión masiva de las organizaciones intermedias de la sociedad, con espacios fijos en los medios del Estado y otorgando la administración de éstos a una conducción plural, ajena al poder gubernamental.

29.-Rechazar la violencia física y sicológica a los conscriptos en los establecimientos militares. Deben promulgarse leyes que garanticen el derecho a la objeción de conciencia y se adopten medidas destinadas a garantizar que las eventuales prestaciones sustitutorias no tengan carácter discriminatorio o disuasorio.

30.-Solicitar a los Estados de las Américas que demuestren su voluntad de apoyo al Sistema Internacional de Protección de Derechos Humanos, a través de la concesión de recursos económicos suficientes para garantizar su funcionamiento efectivo.

31.-Los Estados de las Américas deben mostrar su compromiso con el Sistema Interamericano a través de mecanismos de implementación de las decisiones de la Comisión y de la Corte.

32.-El proceso de evaluar el Sistema Interamericano de Derechos Humanos debe hacerse propiciando una discusión más amplia con Organizaciones No Gubernamentales, expertos y gobiernos, con el común propósito de que las reformas que eventualmente se propongan, beneficien a las víctimas de violaciones de derechos humanos a quienes el sistema tiene el propósito de defender, así como a las tareas de promoción y defensa en general.

33.-La propuesta de reforma del Sistema Interamericano no puede pretender fusionar la Comisión a la Corte Interamericana, limitar la admisibilidad de los casos, aumentar el carácter confidencial de las decisiones y restringir la representación de Organizaciones No Gubernamentales e individuos, medidas éstas que lo debilitarían gravemente. En consecuencia, para fortalecer al Sistema Interamericano, proponemos que se consideren, entre otros, los siguientes aspectos:

a) La búsqueda de una mayor eficacia del sistema y el examen público de la situación de los derechos humanos.

b) El fortalecimiento de la Comisión y de la Corte Interamericana, así como de las medidas cautelares y provisionales del sistema.

c) La flexibilidad en la admisibilidad de los casos, la inclusión en el procedimiento ante la Corte de la participación independiente de la víctima o de su representante y la transparencia en sus criterios y trámites.

d) El reconocimiento de la condición de entidades consultivas a las Organizaciones No Gubernamentales ante la OEA y la adopción de una Declaración Interamericana de Protección a los Defensores de Derechos Humanos.

34.-Las personas que la Asamblea General de la OEA elija para integrar los órganos del Sistema Interamericano, deben ser personas moralmente intachables y de reconocida trayectoria de compromiso con los derechos humanos y se debe asegurar una adecuada independencia de los órganos del sistema, de acuerdo a lo estipulado en la Convención Americana.

35.-El Foro de Derechos Humanos de la Cumbre de los Pueblos de América, solicita en relación a la puesta en marcha de los trabajos para formalizar el Acuerdo de Libre Comercio para las Américas (ALCA) que sean consideradas las siguientes propuestas:

a) Que la firma del Tratado Comercial incluya necesariamente una Cláusula Democrática y una Social que garanticen, en el marco de los acuerdos de integración, la vigencia del Estado de Derecho, de las Instituciones democráticas, del respecto irrestricto a los derechos humanos y, en particular, a los derechos fundamentales de los/las trabajadores/ras.

b) Que se garantice de manera efectiva la participación de la sociedad civil en el proceso de diseño, adopción e implementación del acuerdo que establezca el Area de Libre Comercio de América, definiendo claramente agenda, oportunidad y mecanismos transparentes de participación y responsabilidad de los distintos actores del proceso.

c) La adopción de una "Carta Social Americana" en donde se aseguren los derechos económicos, sociales y culturales de los pueblos de América.

Para finalizar, exhortamos a los Presidentes, que se garantice la participación de las Organizaciones No Gubernamentales en las próximas Cumbres de las Américas.

Santiago de Chile 15, 16, 17 y 18 de abril de 1998.
Respaldan:

Plan de Acción del Foro de Derechos Humanos de la Cumbre de los Pueblos de América

Líneas propuestas en el marco del Foro sobre Derechos Humanos de la Cumbre de los Pueblos de América.

I.-Eje: Sensibilización, Difusión y Capacitación:

1.-Edición y difusión internacional de materiales educativos en materia de integralidad de los derechos humanos (Conceptualización, estrategias y metodologías).

2.-Difundir ampliamente los principios de Limburgo y Maastrich.

3.-Implementación de seminarios de presentación de prácticas de exigibilidad relevan[illegible]s (casos emblemáticos).

4.-Elaboración de una Guía para la presentación y monitoreo de los informes paralelo[illegible] los de los Estados Partes ante:
-El Comité del Pacto Internacional de los Derechos Económicos, Sociales y Culturales de la ONU;
-La Comisión de Derechos Humanos de la ONU;
-Las Comisiones de las Convenciones sobre los Derechos de los Niños y las Niñas y Contra la Discriminación de la Mujer;
-El Comité contra toda forma de discriminación racial;
-La Organización Internacional del Trabajo,
-La Comisión Interamericana de Derechos Humanos.

5.-Elaboración de una Guía para el impulso de procesos de construcción de Agend[illegible] Públicas vinculadas con la promoción y protección de los derechos humanos, y el traba[illegible] con los medios de comunicación.

6..-Promover y desarrollar encuentros intersectoriales en los distintos países con [illegible] objetivo de capacitar a los líderes y grupos sociales sobre los mecanismos de exigibilidad de los derechos humanos. Dichos encuentros deben incluir a los distintos sector[illegible] sociales organizados sin exclusión de ningún tipo. Por lo mismo deben ser espacios pa[illegible] abordar la discriminación, sus causas, sus efectos y la forma de enfrentarla.

7.-Promover la movilización social coordinada a nivel subregional y regional, ante [illegible] agresión de las empresas multinacionales y la inacción de los Estados frente a la violación de los derechos humanos.

8.-Participar activamente en los eventos gubernamentales difundiendo e implementando el mandato de la Declaración y el Plan de acción de la Cumbre de los Pueblos realizada en Santiago de Chile (Asamblea OEA, junio 1998; Cumbre Iberoamericana de Portuga[illegible] noviembre 1998).

9.-Promover la más amplia colaboración entre las organizaciones de derechos humanos [illegible] las organizaciones representativas de los trabajadores, las mujeres, los pueblos indígenas y otras minorías étnicas, ambientalistas, y, en general, con todos aquellos comprometidos con los valores de los derechos humanos, la democracia y el desarrollo.

10.-Impulsar campañas regionales y subregionales para defender la integridad personal y posibilidades de actuación de los defensores de derechos humanos y de los periodistas.

II Eje: Presión Pública, Fiscalización y Vigilancia Social en relación a:

A.- Organismos Multilaterales (FMI, BM, BID, OMC):

11.-Participar en los Grupos de Enlace que ya vienen trabajando con el Banco Mundial, BID,(ONGs – Sindicatos).

12.-Evaluación de las prácticas implementadas por estos organismos en relación con tres ejes:
a) Transparencia
b) Participación
c) Prevención y compensación de impactos económicos, sociales, culturales y ambientales.

13.-Exigencia de la armonización de estas prácticas y políticas de los organismos multilaterales de financiamiento con los mandatos de la Carta de la ONU, sus propias cartas fundacionales y las normas universales y regionales sobre Derechos Humanos.

14.-Exigencia de la inclusión de la Cláusula Social en la Organización Mundial del Comercio (OMC) y en el Acuerdo Multilateral de Inversiones (AMI).

B.- Sistemas de Protección Internacional universal, regional y sectorial de los Derechos Humanos:

15.-Exigir a los Estados la suscripción y ratificación de todas las normas de protección relativos a los Derechos económicos, sociales y culturales.

16.-Exigir a los Estados que presenten los informes regulares a que hacen referencia las normas internacionales de protección de los Derechos Humanos.
17.-Exigir a los Estados cumplir con las recomendaciones de los órganos de protección de los Derechos Humanos.

18.-Exigir a los Estados que aún no lo hubieren hecho, la ratificación del Protocolo Facultativo de San Salvador.

19.-Promover la adopción del Protocolo Facultativo de Pactos Internacionales sobre los Derechos Económicos, Sociales y Culturales.

20.-Impulsar la institución de un Relator Especial del ECOSOC de la ONU, sobre las violaciones a los Derechos Económicos, Sociales y Culturales.

21.-Promover el reconocimiento de status consultivo para las organizacione representativas de la sociedad civil, ante la OEA y el establecimiento de un mecanismo de seguimiento de los compromisos que asumirán los Estados en la Cumbre de las Américas

22.-Impulsar campañas a favor de la ratificación del Convenio Nº 169 de la Organización Internacional del Trabajo, considerando como beneficiarios de dicho instrumento a lo pueblos indígenas y negros.

23.-Promover la constitución de Grupos de Vigilancia Social dirigidos a fiscalizar monitorear la inversión extranjera directa, a nivel nacional y regional, y sus efectos sobr el disfrute de los derechos económicos, sociales y culturales, así como al desarrollo.

24.-Impulsar el escrutinio público de los acuerdos de integración que se suscriban a través de procesos de consulta pública tales como el plebiscito y el referendum.

25.-Implementar una campaña de presión pública y movilización ciudadana dirigida a concretar la inclusión de Cláusulas Democráticas y Sociales que garanticen en el marco de los acuerdos de integración la vigencia del Estado de Derecho, las instituciones democráticas, los derechos humanos y, en particular, los derechos fundamentales de los trabajadores/as.

26.-Exigir ante los Estados que se garantice de manera efectiva la participación de la sociedad civil en el proceso de diseño, adopción e implementación del acuerdo que establezca el Area de Libre Comercio de América (ALCA), definiendo claramente las agendas, oportunidad y mecanismos transparentes de participación y responsabilidades de los distintos actores del proceso.

27.-Impulsar desde la sociedad civil, con la activa participación de las distintas expresiones sociales representadas en esta Cumbre, la adopción de una Carta Social Americana (CSA).

Finalmente, el Foro de Derechos Humanos ha acordado formar una Comisión de Seguimiento, cuyo objetivo es difundir la Declaración y el Plan de Acción en base a los resultados de las encuestas de compromiso de acción, e impulsar la coordinación de actividades de manera autónoma entre las ONGs.
Dicha Comisión está compuesta por: Todos los Derechos para Todos – México; PROVEA-Venezuela; APRODEH-Perú; CODEPU-Chile; CEJIL-Estados Unidos y el Movimento do Dereitos Humanos-Brasil.

Encuesta sobre el Plan de Acción acordado en el Foro de Derechos Humanos de la Cumbre de los Pueblos de América

Objetivo: conocer el grado de compromiso de las ONGs particpantes en el foro de derechos humanos de la cumbre de los Pueblos en la difusión de la declaración y en la ejecución del plan de acción.

ONG:

PAIS:

CONTACTO:

DIRECCION:

TEL:

FAX:

CORREO ELECTRONICO:

Nos comprometemos a:

- Difundir declaración y plan de acción Sí No
- A coordinar e implementar nacionalmente:

  I. Eje Sensibilización, Difusión y Capacitación Sí No
  (Especifique tema de interés; por ejemplo Nº 1)

  II. Eje Presión Pública, Fiscalización y Vigilancia Social Sí No
  (Especifique tema de su interés, por ejemplo Nº 3)

- A articular acciones con otras ONGs de la región Sí No

RESOLUCION ESPECIAL DEL FORO DE DERECHOS HUMANOS DE LA CUMBRE DE LOS PUEBLOS DE AMERICA

"Que los hechos no se burlen de los derechos"

En el marco de las actividades llevadas a cabo por las organizaciones que integramos el Foro de Derechos Humanos de la Cumbre de los Pueblos, con ocasión de la Segunda Cumbre de las Américas, en Santiago de Chile del 15 al 18 de abril de 1998, hemos tomado conocimiento de un conjunto de hechos y situaciones, que expresan la grave situación de violaciones de los derechos humanos de nuestras población y motivan no solo nuestra alarma y preocupación, sino que convoca nuestra solidaridad y nuestra exigencia a los gobiernos del continente a procurar urgentes y efectivas acciones para remediar las situaciones que a continuación se detallan en particular:

- Erradicar todas aquellas formas de discriminación, exclusión y segregación social que imposibilitan la participación y el ejercicio de una ciudadanía plena en nuestras sociedades, de bastos y representativos sectores étnicos y sociales, gravemente afectados por las políticas de ajuste estructural. En particular expresamos nuestra preocupación por las comunidades negras, las poblaciones indígenas, mujeres y otros sectores vulnerables.

- Eliminar toda forma de discriminación racial o étnica que conduzca a la segregación con un empobrecimiento, exclusión de la participación política e incluso actos de genocidio. Estas prácticas en auge hoy en día, con formas cada vez más sofisticadas, divide y debilita a las fuerzas sociales y son una amenaza constante a la organización y movilización social.

- Advertir que las políticas de ajuste estructural que se vienen aplicando en todo el continente son instrumentos que conllevan graves efectos en el disfrutes pleno de los derechos económicos, sociales y culturales de todos nuestros pueblos, al conducir al empobrecimiento extremo y el deterioro de la calidad de vida.

- Llamar la atención en particular sobre las situaciones y condiciones que muestran un agravamiento de las violaciones de derechos humanos y que requieren de una intervención inmediata para que cesen, se esclarezcan y sancionen a los responsables de tales violaciones.

- Señalar que en el caso de México exigimos que las autoridades den cumplimiento a los Acuerdos de San Andrés Larraizar, cesar la presencia militar en las comunidades indígenas, poner fin a la expulsión y el hostigamiento a los observadores extranjeros de derechos humanos y periodistas y a quienes realizan tareas humanitarias en Chiapas. Hacemos un llamado al gobierno mexicano para que se logre una paz justa y digna. Es de preocupar la participación de las Fuerzas Armadas en tareas de seguridad pública y el incremento de éstas en las regiones de mayor pobreza de México como son: Guerrero, Oaxaca, Chiapas, Hidalgo principalmente, iniciando con esto una creciente militarización de todo el país,

- Denunciar que en los últimos días se ha desatado un espiral de violencia en el territorio Boliviano por parte de las Fuerzas Armadas y de la policías, dejando un saldo de muertos heridos y detenidos particularmente en la zona del Chapare, departamento de Cochababa. Por lo que exhortamos a las autoridades bolivianas a respetar la plena vigencia de los derechos humanos de su país y a detener las prácticas de represión contra la población civil. Solicitamos una urgente investigación y juicio a los autores d la muerte de campesinos en el Chapare e instamos al diálogo y concertación para la solución de los conflictos.

- Evitar el hostigamiento y amenazas en contra de los defensores de derechos humanos, periodistas y activistas sociales del continente. Nos preocupa las recientes amenazas que han sufrido el grupo de "Tortura Nunca Más" de Brasil y en especial de s presidenta la señora Cecilia Coimbra, así como la desaparición reciente del doctor Roberto Pérez Herrera promotor de salud de la Confederación Unitaria de Trabajadores del Perú por lo que exigimos el respeto a su integridad y seguridad personal.

- Señalar que la impunidad es un factor de injusticia que dificulta el acceso a una verdadera democracia y reconciliación nacional. Urge que los gobiernos de la región realicen procesos judiciales destinados al esclarecimiento del paradero, de aquellas personas que han sido detenidas-desaparecidas y a tomar todas las medidas necesarias para que los responsables de estas violaciones respondan ante la justicia respecto a sus graves delitos. En particular, solicitamos a los gobiernos americanos que respalden los juicios iniciados en España contra quienes intervinieron en graves violaciones de derechos humanos en Argentina y Chile, y exhortamos a prestar la asistencia requerida por los tribunales españoles en dichas causas,

- Expresar nuestra preocupación por la grave situación de violación a los derechos humanos en Colombia, en particular llamamos la atención sobre las ejecuciones extrajudiciales, desapariciones, hostigamiento a defensores a derechos humanos, sindicalistas, maestros, periodistas y líderes sociales. Instamos al gobierno colombiano a cumplir sus obligaciones derivadas de las normas internacionales de derechos humanos y del derecho internacional humanitario y en especial a garantizar la vida e integridad de las víctimas de estos actos. Así mismo solicitamos se investigue y sancione a los responsables de dichas violaciones.

- Señalar la situación delicada de la institucionalidad democrática en el Perú, en la que se ha violentado el equilibrio de poderes y suprimido las garantías del control constitucional a través de un Tribunal independiente. Así como afectado la independencia del Poder Judicial y del Ministerio Público. Especial preocupación sucinta el ataque a diversos medios de comunicación y periodistas afectando la libertad de expresión y la creciente influencia y participación de los servicios de inteligencia nacional en casi todas las esferas de actuación del poder público con grandes implicaciones para el ejercicio de los derechos humanos en el país.

- Reprobar la aplicación de la pena de muerte en el continente, de modo particular nos preocupa la visible focalización de aplicación de esta pena a sectores socialmente vulnerables, como es el caso de la comunidad negra e hispana en los Estados Unidos de América, aun incluso en expresa violación de mandatos de la Corte Internacional de Justicia.
- Llamar la atención sobre el maltrato que sufren los migrantes económicos en los países de la región, especialmente a las prácticas de abuso y violación de derechos humanos en los Estados Unidos de América.

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ANNEX F
SANTIAGO SUMMIT DOCUMENTS

e) Statement of the Inter-Church Committee on Human Rights in Latin America on the occasion of the Summit of the Americas and the parallel Popular Summit

Lista de Participantes Nacionales en el Foro de Derechos Humanos de la Cumbre de los Pueblos de América

1. Claudio González	FASIC
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4. Felipe Portales	Comisión Chilena de DDHH
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14. Jan Hopman	Centro E. Diego de Medellín
15. Carmen Garretón	Cen. de Doc. y Archivo Vicaría

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Caroline La Plante	Alternative	Canadá
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Javier Gómez	Capítulo Boliviano de Derechos Humanos	Bolivia

Statement of the Inter-Church Committee on Human Rights in Latin America on the occasion of the Summit of the Americas and the parallel Popular Summit

The Inter-Church Committee on Human Rights in Latin America (ICCHRLA) -- a Canadian ecumenical coalition formed by more than 20 national Christian churches and religious communities -- will be participating in the People's Summit in Santiago, Chile (prior to the Summit of the Americas to be attended by the region's heads of state) in order to join with other organizations of civil society to call for enforceable human rights guarantees in any economic integration agreement between the countries of the Americas.

The need for such guarantees is urgent. While 1998 marks the 50th anniversary of the United Nations Universal Declaration of Human Rights, the core rights it enshrines are being violated throughout the Americas as a direct result of neo-liberal trade liberalization policies that are likely to be deepened by the proposed Free Trade Area of the Americas, which the Summit of the Americas seeks to advance.

ICCHRLA's church and human rights partner organizations throughout the hemisphere, have issued urgent calls about the devastating human impact of those policies, drawing attention to an alarming increase in unemployment, poverty, marginalization and social disintegration. Living conditions for the majority have been reduced to "previously unthinkable levels", state the Venezuelan Bishops. In post-war Central America, "every day there are more people who eat less", report human rights groups like the Defensoría Maya. "There is no longer a gap between rich and poor, there is a truly bottomless abyss", creating a "powder keg" that could "blow up" at any moment, states the Latin American Bishops Council. And as an ecumenical gathering of Bishops and Pastors from Latin America and the Caribbean concluded: "This exposes the deceitfulness in neoliberalism which offers and imposes the market as the magic solution to all problems, even as it oppresses and suppresses the majority."

ICCHRLA believes this is arguably the most pressing human rights issue in the Americas today; a "situation of death", as the highly respected Bishop Samuel Ruiz of San Cristobal de las Casas has called it, denouncing the high incidence of disease and premature death due to poverty-induced chronic malnutrition that continues to afflict the indigenous inhabitants of Chiapas, Mexico, despite claims the North American Free Trade Agreement (NAFTA) would bring prosperity and development to Mexico.

Our Christian conscience leads us to demand that this scandalous situation on the brink of the new milennium be rectified. ICCHRLA endorses the Belo Horizonte Declaration developed by trade union and social organizations in May 1997 and its assertion that "any trade agreement should not be an end in itself but rather a means toward combatting poverty and social exclusion and for achieving just and sustainable development".

Any trade agreement that emerges from the Santiago Summit, ICCHRLA urges, must have as its core objective, its first priority, to respond to the essential human needs of *all* of the region's citizens. Any agreement must also guarantee, with enforceable mechanisms, the fundamental and internationally-recognized human rights of all citizens to adequate food, just conditions of employment, fair wages, and access to health care and education, as well as to civil, political and cultural rights.

ICCHRLA is extremely concerned that without such guarantees and enforcement mechanisms, the proposed Free Trade Area of the Americas is likely to provoke a similar chain of events to those which we have witnessed in Mexico since the implementation of trade liberalization measures that culminated in the NAFTA.

Together with our church and human rights partner organizations in Mexico, ICCHRLA has documented how these policies have exacerbated existing levels of poverty and inequity, provoked increasing outbreaks of both peaceful and armed social protest by those who are losing their land, livelihood and jobs, or seeing the real value of their income plummet in comparison to the rising cost of basic necessities, making it more and more difficult to feed their families. This, in turn, has provoked increasing social protest, including peaceful dissent and armed rebellion. We have also documented how the implementation of trade liberalization policies in Mexico has coincided with increasing use of military and paramilitary repression to control such social protest. And finally, we have observed that the implementation of NAFTA has coincided with an unwillingness on the part of the Canadian government to hold the Mexican government publicly accountable, or to use multilateral fora like the United Nations Commission on Human Rights and Organization of American States to seek effective international mechanisms to address a disturbing increase in gross and systematic human rights violations by Mexican state agents.

The deteriorating human rights situation in Mexico is a warning signal for the countries of the Americas, one which must be heeded at the Summit of the Americas in discussions regarding an expanded free trade agreement. Any such agreement must include both mechanisms to ensure existing inequities are addressed not exacerbated, and enforceable commitments to respect the broad spectrum of human rights enshrined in United Nations Covenants.

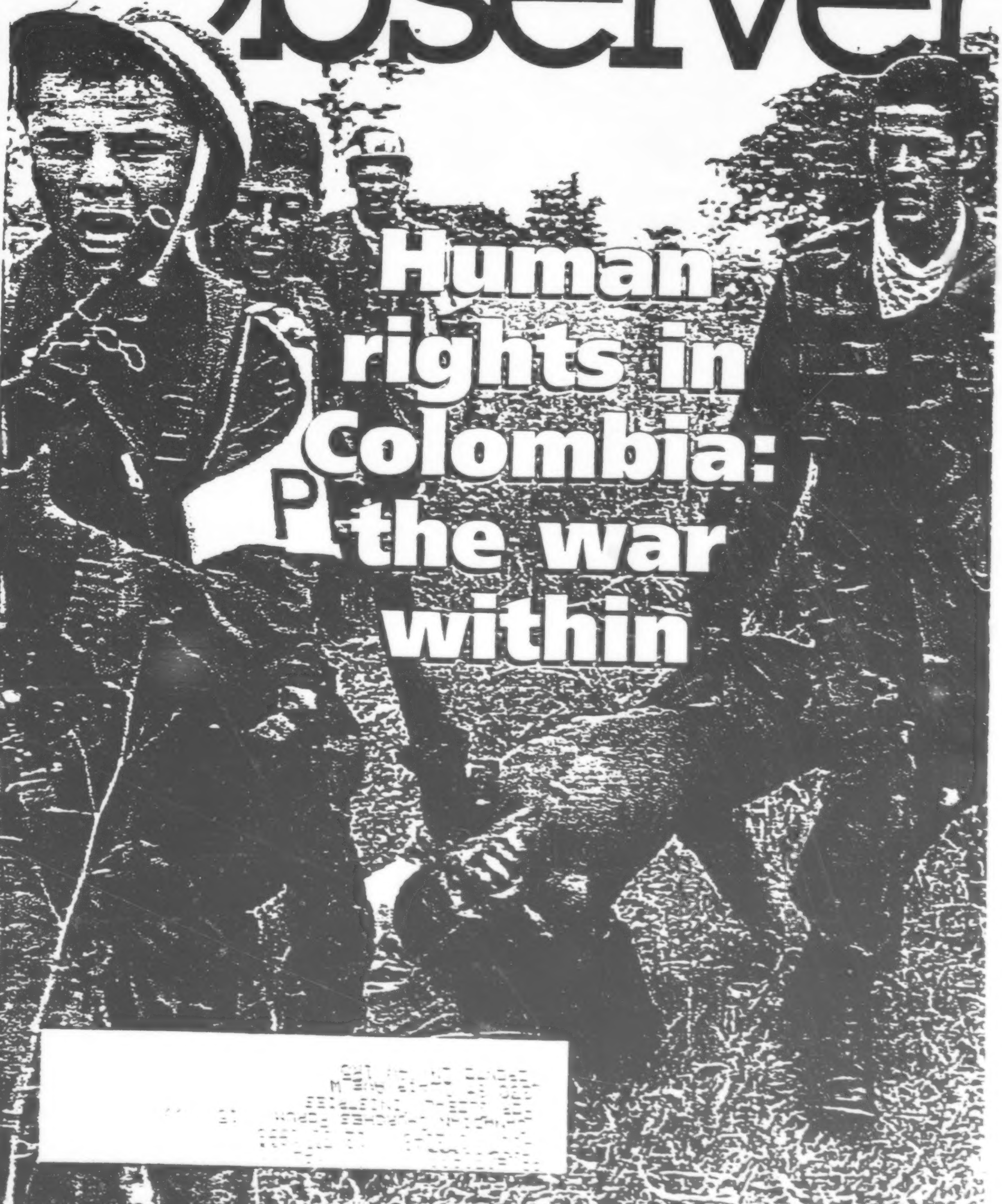
ICCHRLA is extremely concerned, therefore, that discussions at the Summit of the Americas on the subject of human rights and democratization are taking place separately from discussions on trade policies. Since economic and trade policies are increasingly undermining human rights and the possibility of democratic participation, it is imperative that human rights guarantees be built into the terms of any trade agreement. Indeed, experience shows us that separate, parallel agreements on human rights may commit governments on paper but run the risk of being undercut or ignored when trade policies are the priority.

Moreover, ICCHRLA is also concerned that the agenda for discussions on human rights. which are being led by the Canadian government, focuses almost exclusively on civil and political rights, and does not deal with the protection of economic and social rights such as the right to adequate food and housing, fair wages, health care and education.

This is of particular concern since ICCHRLA and other organizations called for economic and social rights to be added to the agenda of the Santiago Summit, when we participated in consultations the Canadian government held in preparation for the Summit. Canada, which hasjust accepted the responsibility of chairing negotiations on the Free Trade Area of the Americas for the first 18 months after the Santiago Summit, has indicated an openness to receiving public input on how the agreement should evolve. ICCHRLA applauds that position. However, we urge the Canadian government and those of the other countries in the hemisphere to ensure the process allows for *real* public participation, that consultations are broadly inclusive of authentic representatives of *all* sectors of society, that the needs and concerns of *all* sectors are sincerely taken into consideration, and that trade policies are developed in response to the needs and concerns of *all* sectors.

The United Church
Observer

$2.00 February 19



Human rights in Colombia: the war within

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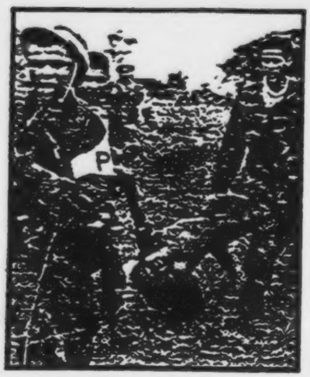
Colombia's war within



Drug battles grab the headlines, but human-rights violations are among the world's worst.

by John Bird

Ricardo Esquivia still speaks of it as a "miracle" — the day he was picked up on the streets of San Jacinto, Colombia, near the Caribbean tourist playground of Cartagena, and thrown blindfolded in the back of a truck with a dozen other *campesinos*. The miracle is that he lived.

"Usually, if you are put in a truck, that's it," he explains through an interpreter. A few days later your body turns up in a ditch and the news is calling you a "narco-terrorist." It had already happened to seven of his colleagues.

When the truck finally stopped, the *campesinos* were taken down and their blindfolds removed. Esquivia found himself back at his own farm facing about 70 police and soldiers, with guns pointed not just at him, but also his wife and four children — all under 10 years of age.

The military were searching the house for weapons or drugs. In Colombia, the "war on drugs" and the guerrilla conflict are convenient excuses for all kinds of human-rights violations.

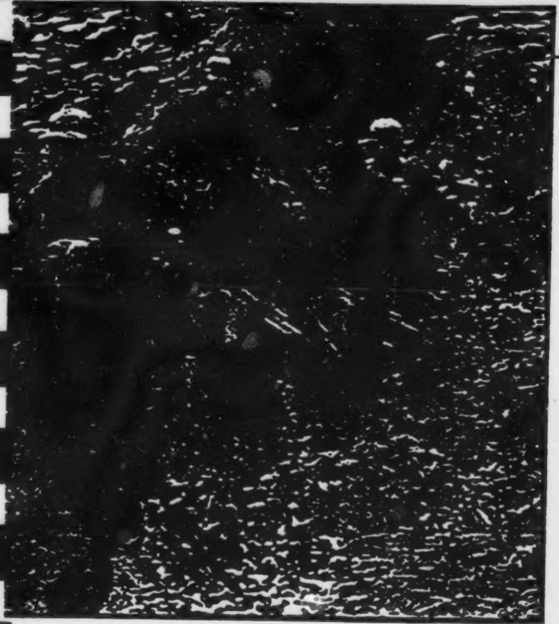
"I was really scared," he recalls, a frown momentarily clouding a face more used to smiling. "I'm not that brave." But then "in my mind a voice said: 'Don't worry, I will put words in your mouth.'" So he addressed the lieutenant in charge: "I'm glad you're here. If we'd been taken by the guerrillas I'd be scared. But you're legal; you're not bandits. You represent the Colombian government."

The words seemed to shake the lieutenant to his senses. "It's true," he said, as though to himself. "We are legal." He turned to Esquivia. "As long as I'm here, nothing will happen to you." Then he sent the police away, and told the *campesinos*, "You're free to go." That incident "gave me strength," says Esquivia. "My life is not in their hands, but It doesn't take the fear away, but it helps me.

The irony is that Esquivia had come bac mother's ancestral home in the department of Su demonstrate to his people a non-violent alternative to insurrection. A Mennonite, this small gentle Colombia African and indigenous ancestry has lived a life dedic pacifism — but also to what he describes as the "option poor."

Now the co-ordinator of CEDECOL, Colombia's Protestant church council, Esquivia has pushed the c to speak out for peace, and to help people driven fro homes by the violence. His persistent pressure for the ri of conscientious objection to military service makes an

Ricardo Esquivia: "Not in their hands, but God's."



A paramilitary unit on patrol in northern Urabá. Private armies are funded by landowners, druglords, the army and corporations.

himsical tale of generals and government ministers running ared from the moral authority of a tiny church with only 17 ngregations and [illegible] members throughout the country.

“A Ministry of Defence lawyer called this week,” he says. le thought we had a basis for conscientious objection, but mitted the government is afraid to confront the army.”

Esquivia tells his story lightly, but the threats are very real. re you the conscientious objector?” demanded one caller. We have a way to clean your conscience.” He and his family ve had to flee their home in the dead of night, and three es Esquivia has had to leave the country till things cooled wn — once finding asylum with fellow Mennonites in anada.

a second-floor office across from bustling rrancabermeja's downtown market, ceiling fans have been at full speed for a sweating delegation of Canadian trade onists, brought here by Canada's Inter-Church Committee Human Rights in Latin America (ICCHRLA). Osiris Bayther, esident of CREDHOS, a human rights organization based in provincial centre, welcomes us warmly, but her brow is fur- ed with concern.

Last night on the television news, she explains, Ramon za, the local paramilitary leader, announced a major offen- to rout out guerrilla forces in this resource-rich region of ral Colombia. The plan is to attack them in their “social se” — in other words, to terrorize local *campesinos* and vil- rs.

This is what they're talking about, says Francisco Campo, EDHOS general secretary. He shows us the photo of a muti- ed head. It was severed from a local *campesino* when he was d earlier this year by the paramilitary. I turn away, but mage remains seared in my consciousness. Suddenly — idway through this 10-day trip to Colombia, and after days led with statistics and analysis — I begin to understand on level, the true horror of this violence.

zaza's announcement will mean many more victims like the one in the photo. There are nearly 10 politically motivated killings here every day, according to the Colombian Commission of Jurists (CCJ). There have been 30,000 since 1988 — more each year than in the whole 16 years of the Pinochet regime in Chile. Many of those victims show signs of torture.

In 1996, says the CCJ, the paramilitary and army carried out nearly three-quarters of the political assassinations, while guerrilla forces were responsible for the rest.

The announcement will also mean hundreds, perhaps thousands, of people seeking refuge in Barranca and neighboring regions. Every week another 10,000 people arrive in Bogota, population already between six and seven million. Many are fleeing exactly this kind of paramilitary terror. A 1994 study by the Colombia Catholic Bishops identified 650,000 internal refugees; human rights organizations now believe there are nearly a million — one person in 35.

There are good communities and bad communities, Izaza told the television cameras. The paras will be going after the bad ones. He means those that don't have paramilitary supporters, explains Bayther. Or where the people know their rights and denounce violations. Or simply those that have resources someone else wants. “Everyone in this region,” says CREDHOS general secretary, Francisco Campo, “is a potential suspect.”

This will not be the first wave of violence in the region. In the early '90s, five CREDHOS workers were assassinated in separate incidents, and several others — including Campo — fled the country.

But aren't the paramilitary groups illegal? “Officially, yes,” says Bayther. But many receive support, arms and training from the army, as detailed by Jesuit Fr. Javier Giraldo in his book, *Colombia: The Genocidal Democracy*. Human-rights violations by the paramilitary — killings, kidnappings, disappearances, torture — have increased in recent years in almost direct proportion to a decrease in violations by the military.

The army, constrained by international public opinion,

ICCHRLA Photo

With little to defend themselves, *campesinos* such as these young men in San José de Apartadó are vulnerable to paramilitary and army attacks.

has found someone else to do its dirty work.

The violence is not inevitable. Colombia has a democratic tradition older than Canada's, dating back to the liberation wars of continental hero, Simon Bolivar. Its constitution, renewed in 1991, is considered one of the best in the world. Larger than Ontario, with 35 million people and coasts on both Atlantic and Pacific, Colombia boasts an economic growth rate over the decade of more than five percent a year.

Yet it also has the longest-running guerrilla war in the hemisphere. And right-wing paramilitary groups, with the tacit blessing of the military, government and judiciary, declare daily war on anyone — worker, peasant, union leader, teacher, human rights worker — who seeks a better life for the poor and downtrodden.

When they got to San José, the International Red Cross were coming in on horseback with the three bodies. "They had their red-and-white flags," says ICCHRLA's Bill Fairbairn. "Everybody was crying — the relatives, the other men who had been with the victims when they were killed, the children."

Fairbairn and three of the Canadian unionists had arrived that morning in the northern region of Urabá, to visit the "peace community" of San José de Apartadó, near the Panamanian border. They learned that three members of the community had been killed the night before by guerrillas.

"About 20 men had gone out together to work in the corn and yucca fields," says Fairbairn. On their way back they were stopped by four members of FARC (the largest of several guerrilla forces), who were unhappy about the village's refusal to ante up supplies. The guerrillas separated three men from the group and told the rest they could go. "As the others left, they heard shots."

Urabá has been the centre of some of Colombia's fiercest recent fighting as two guerrilla groups vie with the military and paramilitary for control of a strategically important area — the possible route of a second trans-oceanic canal. Last spring the 850 people of San José decided they'd had enough of being silent victims. They declared themselves a "community of peace."

"They are not armed actors and they don't want to be used by either side," explains Fairbairn. "They just want to farm the land and live in peace."

For this unassuming declaration they have paid a terrible price. Nearly 40 of their number have been killed in recent months, mostly at the hands of the paramilitary. This massacre by the guerrillas hits particularly hard. Neither side, it appears, will allow them to live in peace.

"If you stay with the community tonight, it would be a gift to them," the priest at San José tells the Canadian group. "They want international people there," explains Fairbairn, "so they know they're not alone."

"Colombia is a violent country, but the Colombians are not violent people." We hear this plea for understanding repeatedly during our visit. Of course we understand. They just want to live, to raise their children, to earn their daily bread.

There are, however, a number of Colombians for whom simple daily bread is not enough. They already have most of the money, the land, the power. Two-and-a-half per population owns 60 percent of the wealth. And the more.

For a long time it was just a very few families, th legacy of the Spanish class system. They nominat selves Liberal or Conservative — two groups fightin the same spoils — and resorted to bribes, threats an to gain the upper hand over each other.

The 15 years from 1948 to 1963 became known *Violencia*, an all-out Liberal-Conservative power struggl killed 200,000 people but resolved nothing. Since th have only grown more complex, with the rise of g movements inspired by the growing gap between ha have-nots, the growth of a drug trade whose masters h become landowning members of the ruling class, and e nomic globalization that adds transnational exploitat country so richly blessed with the curse of natural we

A soldier guards a health centre at a camp f northern Colombians displaced by violence.

The paramilitary groups are in this quagmire up to t necks, serving the rulers: the landowners, the drug lor army, and even overseas companies. Originally establis protect the rich against kidnapping by armed revolution ies, many of them now terrorize any group that seeks — might be suspected of seeking — basic social and econom tice. In some rural areas a young man's only choice is to j paras — or be killed by them.

They sport picaresque names like *Death to Communis* *The Headcutters*, one of whom used a machete to cut off th of a 12-year-old boy, Cesar Augusto Rivera, in front of classmates in Apartadó last year. It was a warning to the ma Gloria Cuartas, against denouncing military/param abuses.

As legislation, presidents and constitutions come and go, things remain constant: exploitation of *campesinos* and w ers: and suppression of attempts to develop a legal, po alternative to the two-headed, Liberal-Conservative co

Take the case of Patriotic Union, a left-of-centre party formed in 1985. Since then, says ICCHRLA, it has faced "political genocide" as almost all its members and leaders have been murdered — about 3,000 people, nearly one a day. Belonging to the Patriotic Union, says Fr. Giraldo, "means living with a death sentence."

All but three percent of common crime in Colombia goes unpunished, according to a 1994 study by Colombia's director of national planning. For political human-rights crimes, says the CCJ, the impunity rate is closer to 100 percent.

Colombian president Ernesto Samper has repeatedly promised to protect human rights, and has even set up a presidential adviser's office to do so. But still the abuses continue, and impunity reigns.

The driver guns the heavy outboard motor on his *chaloupa* and points it into the powerful current of the Rio Magdalena. A fringed canopy fends off the beating sun as the filthy water rushes by. Behind us the old Barranca waterfront spreads along the shore, the stone docks sporting an array of fibreglass water taxis and dugout fishing boats.

Further out, the mile-long heavy-metal tangle of the state-owned Ecopetrol oil refinery swings into view, belching smoke and flame. Midstream, three gunboats of the Colombian navy are moving on patrol. A Japanese dredger excavates the channel for eventual ocean-going oil- and coal-carriers.

Ten minutes later, we reach the west bank of the river, a quiet, rural world, so different from the industrial east bank. Campo, our guide, corrals us a lift in the open back of a small truck, and the flat, verdant landscape whizzes by, humming in the heat. We pass a military checkpoint and fields of white Asian cattle — this ranchland has long been cleared of *campesinos*.

We taste the tarry bite of oil with every breath, and the cattle fields are dotted with large, slow-rocking oil derricks that remind us of the petrochemical wealth that supports the region — and the killing. A $1-a-barrel "war tax" on crude oil

Canapress Photo/Leonardo Castro

Riot police arrest a protester during a strike by state employees in the capital city, Bogota.

Human rights in Colombia: what Canadians can do

Canadian Auto Workers organizer Rick Kitchen knows his planes, trains and automobiles. So when he saw two camouflage-painted helicopters at the Bogota airport, he realized they were Canadian-made — by Bell Helicopter Textron of Mirabel, Que.

Why the camouflage paint "if they are being used for earthquake relief as the Chrétien government maintained at the time of their sale?" demands Kitchen, who visited Colombia with a Canadian labor delegation organized by the Inter-Church Committee for Human Rights in Latin America (ICCHRLA).

Neither ICCHRLA nor Canadian unions want to stop trade with Colombia. But they do want to push the Canadian government to make sure it won't "result in more bloodshed," says ICCHRLA's Bill Fairbairn. That's where United Church members and congregations can help.

By writing the foreign affairs minister, Lloyd Axworthy, church people can make sure their government knows Canadians are concerned about Colombia's massive human rights violations, says Fairbairn.

The Canadian Embassy in Colombia has begun to speak out on human rights, but, says the Embassy's human-rights officer, Nick Coghlan, the bottom line for the Canadian government is still jobs for Canadians.

The Canadian Foreign Affairs Department, in a 1997 business guide, describes Colombia's economy as "one of the most stable and dynamic in Latin America," with "no balance-of-payments problems and an excellent credit rating." Canadian corporations invest more money in Colombia — about $2 billion a year — than they do in Mexico, says Coghlan.

"That's why raising the concern about human rights is so important," says Bill Fairbairn.

The Division of World Outreach's Deborah Marshall says the DWO Conference networks support ICCHRLA "urgent-action" appeals on Colombia. "Most of our work on Colombia," she says, "is done through the coalition."

Other church groups can consider following the lead of four United churches in Toronto's west end — Kingsway-Lambton, Humber Valley, Islington and Royal York Road — who sponsored a refugee, Over Rico, and his family. As education officer for the Nestlé workers union, Rico was hunted by Colombian police, and left for dead in a car wreck with three bullets in his head. He spent more than a year in hiding before ICCHRLA arranged the sponsorship.

For more information about Colombia, contact ICCHRLA at
129 St. Clair Ave. W.,
Toronto, Ont. M4V 1N5.
Telephone: (416) 921-3843.
E-mail: icchrla@web.net.

Write The Hon. Lloyd Axworthy, Minister of Foreign Affairs, 125 Sussex Drive, Ottawa, Ont., K1A 0G2, fax: 613-947-4442.

brings the military, we are told, $650,000 a day. Much of it ends in the hands of the paramilitary.

Yondo is an old company town originally established by Shell Oil; orange brick buildings betray the Dutch colonial heritage. A dozen people crowd into a small dark classroom to meet us, including Orlando Hurtado. He headed a *campesino* organization in the little village of Alto al Congoja — until the paramilitary arrived a year ago.

"They killed people, animals, pets," he says. "They wanted to kill me, but I managed to escape." His house was burned, and when he tried to go back, he was fired upon, miraculously escaping 15 bullets.

He and a band of 300 *campesinos* made their way to Yondo, three hours away by car. In a field donated by the village, they have organized themselves and are helping one another build rudimentary shacks, plant gardens, and find whatever work they can as they wait to go home. "They are still fighting back there," explains Hurtado.

For 15 years this river was in the hands of the guerrillas, says Fr. Jorge Serrano, head of the small Jesuit refugee program for this area. Now it is being reclaimed as the transportation corridor for major economic redevelopment in the Central Magdalena region. Recent gold and coal finds are augmenting the oil to reinvent the area as a major driving wheel for the Colombian economy.

That means "paramilitary groups at the direct service of economic interests — landowners, industrialists or gangsters," says Serrano. "They are really mercenaries," clearing out the guerrillas and their suspected social base.

In Bogota, Nick Coghlan of the Canadian Embassy confirms that overseas companies doing business in Colombia — including Canadians — generally add 10 to 15 percent to their budget for "security." In Colombia, the line between private security and paramilitary can be a fuzzy one.

Displaced *campesinos*, says Serrano, are generally illiterate and have no contacts and few skills for adapting to an urban environment. "They are scared." They would rather hide and depend on parish handouts than go to a government office to fill out the form for loss-of-goods repayment, or claim the $10,000 "death insurance" when a partner is killed by the guerrillas or paramilitary. Less than one in 100 of such cases is ever reimbursed, says the CCJ.

In the otherwise bare entrance to the Union Sindical Obrera's (USO) unfinished Barrancabermeja headquarters, hangs a series of larger-than-life charcoal portraits of USO leaders — all assassinated. Primary among them is Manuel Chacon, former president of this 75-year-old union of Colombian petroleum workers. Since he was killed in 1988, 100 USO leaders have been assassinated — and 200 to 300 have had to flee with their families. That's about one member in 15 in a union with only 5,000 members.

"Since the government can't defeat the guerrilla movement," says former USO president, Cesar Carillo, "they accuse the union of being the political arm of the guerrillas. "When we denounce army violations, they try to present us as defenders of the guerrillas," adds Pedro Chaparo, another former president. "But we defend human rights. In the past 10 years, they have been killing us. Now they have entered a new phase — legal attempts to break us."

We meet with Carillo, Chaparo and 14 of their co-workers in La Picota prison on the outskirts of Bogota. Chaparo has been imprisoned since 1993 when he was convicted of terrorism (which can mean anything that promotes public disorder — including a strike). His 15 colleagues have joined him within the last year, convicted of blowing up a pipeline.

"Even our bosses know we had nothing to do with the charges," says Carillo. "They testified we had nothing to do with it."

"The 15" are all victims of a uniquely Colombian legal apparatus known officially and euphemistically as "regional justice," but popularly as "faceless" justice. "The witnesses are identified with a pseudonym," explains Chaparo. Their faces hidden by hoods, "they go with police and point people out. The people are arrested, and then the investigation begins.

"The prosecutors, you never see them," he continues. "They are behind a one-way mirror; their voice is distorted. The judge never appears in public, never interviews you or meets you. He receives the information from the prosecutor."

Again and again we hear how faceless justice means no justice. "One witness made three statements under different pseudonyms, corroborating his own evidence," says Costantino Carrello, another of the jailed workers. "They become legal mercenaries," adds Leonardo Dias. "It's like a business; you can live well" as a professional witness.

"Even the attorney general has denounced the fabrication and multiplication of testimony" in this case, says the CCJ. But nothing has been done about it.

Unions are definitely under attack in Colombia. Forty out of every 100 union people killed around the world are Colombians. The Colombian equivalent of the Canadian Labor Congress has lost 2,300 of its leaders since it was founded 11 years ago. The unions are targeted because they fight human-rights abuses and oppose massive privatization and elimination of unions and full-time employment.

With more than half its workers already involved in "informal" work.

Canapress Photo/Leonardo Castro

Among the victims

José Sosa
campesino activist
Killed Jan. 28, 1996

Alirio Pedzaza
human-rights worker
Disappeared July 19

Delio Vargas
human-rights activis
Disappeared April 19

Maria Mendez
mayor, El Castillo
Killed by paramilita

Josué Giraldo
human-rights worke
Killed Oct. 13, 199

Colombian mothers carry signs asking for the return of their sons, among soldiers kidnapped by guerrillas.

Reuters/José Miguel Gomez/Archivo Photos

Colombia is increasingly an employer's market. Less than 10 percent of the working population is unionized, and 95 percent of that group is in the public sector.

"It's easier here to create a guerrilla organization than a union," says USO human-rights officer, Raphael Gomez. "With guerrillas you're giving unemployed people work; with a union, you're giving employed people an opportunity to lose their jobs."

With the casual charm of a nightclub performer, Francisco Campo, general secretary of CREDHOS, brings the microphone to his lips. "*Cuba Si!*," he shouts.

Only a smattering of the more than 300 Colombians who have filled this USO hall of neoclassical design know what is expected of them this first time. "*Yanqui No,*" comes their ragged response.

Campo calls for more. He pumps his fist in the air: "*Cuba Si!*"

"*Yanqui No!*" A few more people pick up the call-and-response.

Again and again he repeats the cry — "*Cuba Si!*" — pushing a little more urgently each time.

And each time the response strenghtens, till finally the whole hall is on its feet, pumping fists and shouting, "*Yanqui No!!*"

It's Che Guevara Night in Barrancabermeja, marking the 30th anniversary of the death in Bolivia of the Cuban revolution's charismatic freedom fighter who became a hero to revolutionaries throughout Latin America.

I can't help but be surprised. If the paramilitaries are the threat they seem to be, then surely celebrating the life of a guerrilla fighter is asking for it. Couldn't that be taken to mean you support the armed struggle?

"We may share many of the same social goals with the guerrillas," Campo is clear and adamant. "But we differ absolutely on the question of using armed struggle to achieve those goals."

And yes, he adds, "it is dangerous to go to the Che celebration. But the people need some way of expressing their desire for change."

"Besides," he concludes with a wry smile, "everything in Colombia is dangerous — including accompanying a visiting delegation of Canadian trade unionists."

On our last evening in Colombia we attend a Catholic Mass to mark the first anniversary of the death of Josue Giraldo, a human rights worker gunned down in his home town of Villavicencio, Oct. 16, 1996.

As the evening sky darkens over Bogota we make our way down a quiet backstreet of office buildings and middle-class housing to the unassuming entrance to the Religious Conference of Colombia. Buzzed in by the ubiquitous security guard, we gather in a brick-floored classroom off the back courtyard, sitting uncomfortably at student desks.

The music is wonderful — spirited and haunting — with Andean panpipes, guitars and the tiny ringing *charanga*, its 12 strings stretched over the dried-out shell of an armadillo. Many people, including Bill Fairbairn, speak movingly of Giraldo's commitment to the struggle for justice and peace, and his work to help the displaced victims of Colombia's endless war — until he became a victim himself.

Giraldo, a member of the Patriotic Union, had survived two earlier assassination attempts, had been assigned government bodyguards and had moved to Bogota, away from the source of the threats. "But I think he was just getting sick of running," says Michael Lopez, an American friend who accompanied him back home (without the bodyguards, against others' advice) the weekend of his death.

When the lone assassin came out of the bushes in the park where Giraldo was playing with his two daughters, Sara, 3 and Natalia, 5, Giraldo must have known the threats were about to come true. He ran, drawing the would-be assassin away from his daughters, while Lopez scooped them up and dashed across the street to the safety of the house. In the few seconds before Lopez could get back, the deed was done. He found Giraldo dead on the street in a pool of blood, seven bullets pumped into him.

Giraldo was a handsome, dynamic young man, to judge by the blown-up photo propped against the blackboard behind the altar. But I can't take my eyes off his daughter, Natalia, now six. The liturgy brings pain and confusion to the surface one more time, and all Natalia's mother can do is hug her tightly as the emotions well up again and the tears begin to flow.

Giraldo's parents are there, too. Simple working people nearing the end of their lives, and now cursed with the premature death of an obviously beloved son. The father, in a rough black suit, has a ring indented in his coarse white hair, where the Andean-style bowler hat has been jammed down upon it. He too can only wring his hands, or bury his face in them as suppressed sobs shake his still-vigorous frame.

I want to look away, but I keep being drawn back, mute witness to their public grief, thinking of my own children, wife, mother, waiting anxiously for my return to safe, orderly, small-town Canada. Each one of Colombia's 3,000 yearly political killings must leave behind, like this, a room full of pain, confusion, fear.

APPENDIX 4

Carepa, 12 de diciembre de 1996

17 DIC 1996

Señores
SINALTRAINAL
Subdirectiva carepa

Respetados señores:

Por medio de la presente estoy presentando mi renuncia irrevocable a ser socio de dicha organización sindical SINALTRAINAL, Subdirectiva Carepa.

Agradezco su colaboración.

Atentamente,

[redacted]

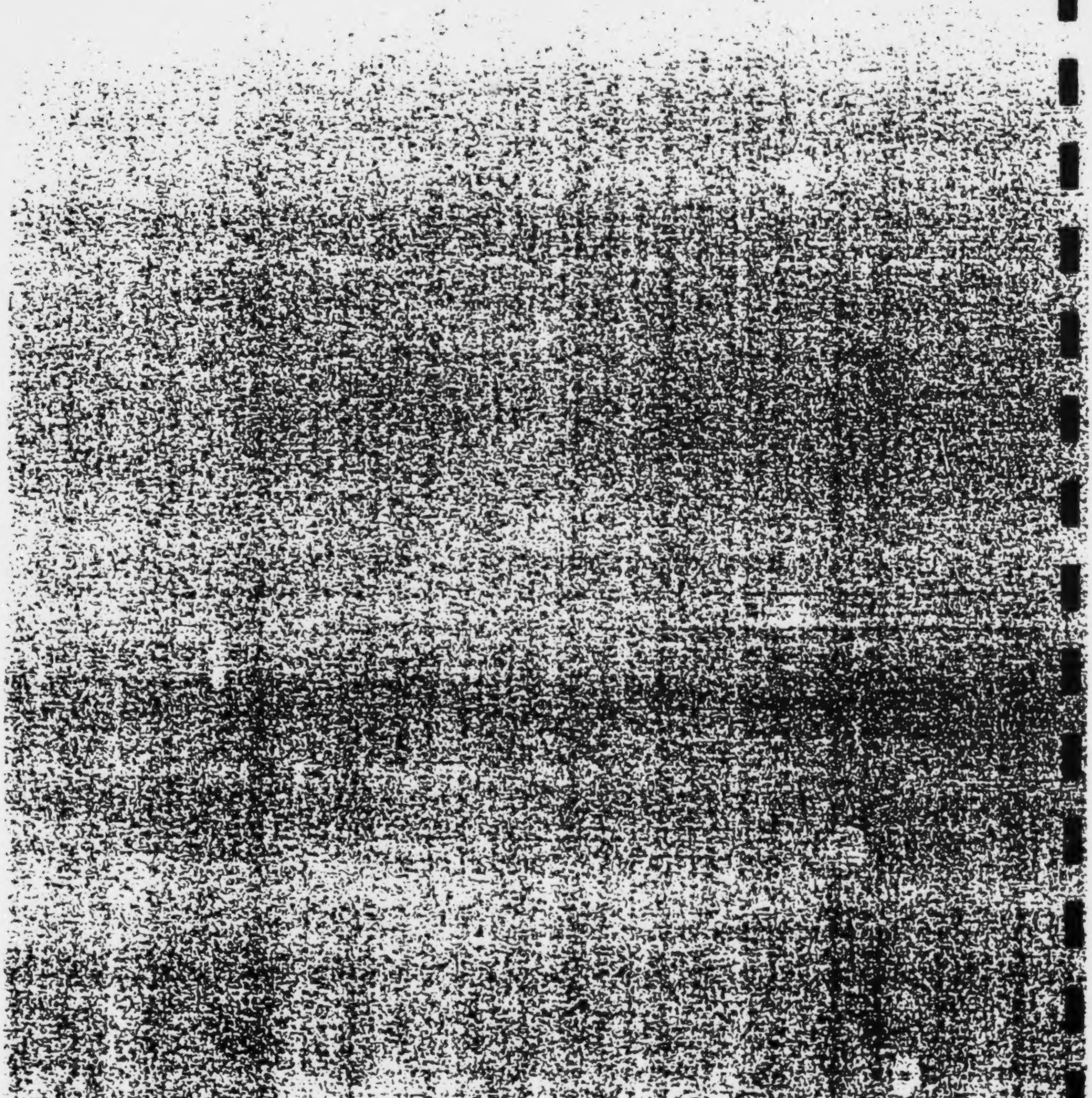
Copia: Sinaltrainal Bogotá
Bebidas y Alimentos de Urabá S.A.
Ministerio de Trabajo

Dear Sirs:

By this letter I am submitting my irrevocable resignation as a member of the labour organization, SINALTRAINAL, Carepa Local.

Thank you for your cooperation.

Sincerely,



ANNEX E:

Economic, Social and Cultural Rights in a Neoliberal Mexico

ICCHRLA RESEARCH PAPER

ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN A NEOLIBERAL MEXICO

by Pamela Friedman

Prepared for the Inter-Church Committee on
Human Rights in Latin America

with the assistance of the
Human Rights Internet and the John Holmes Fund and
with research assistance from David Cozac and Katie Bellamy

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I. Introduction: It All Depends on What Numbers You Look At

Almost four years after the North American Free Trade Agreement (NAFTA) was enacted, solidifying neo-liberal reforms in Mexico, there is an ongoing debate regarding the impact of NAFTA on the Mexican economy. NAFTA is part of a world-wide neo-liberal phenomenon, which includes the globalization of production and the deregulation of capital controls. It signifies a greater return on capital investment for some individuals, but the majority of people have been adversely effected. This rapid economic transformation has incurred a high cost: a diminished ability of the state to protect domestic industry and workers from global competition and financial markets. In a "global village" the state no longer has the authority to ensure economic and social security. Neo-liberalism and the globalization of capital begs the philosophical and moral questions regarding the accountability and responsibility of big business and multinational corporations to society. The economic, social and cultural implications of a global marketplace can be disastrous at the grassroots level and Mexico provides a clear case in point.

Much of the analysis on the effects of NAFTA focusses on certain macro indicators, thus limiting the definition of economy to the capital and current account, currency value, interest rate, and other factors at the national level. It is invalid, however, to assume that a limited set of numbers at the macro level are a reliable gauge of a "healthy" Mexican economy. Even if certain of Mexico's macro indicators have improved, the average Mexican's economic situation has not. Because Mexico's macro economy does not necessarily reflect the average Mexican's quality of life, the debate regarding the impact of NAFTA on Mexico is both complex and extensive.

The definition of "economy" that this paper will explore takes into account other economic indicators not normally included in the macro-economic analysis: distribution of wealth, poverty levels and employment opportunity, with a focus on the maquila industry, child labour, and the growing phenomenon of migration. It will also explore in some detail, the effects of NAFTA on rural Mexicans' basic rights to subsistence, emphasizing the changing nature of land tenure, guaranteed pricing and credit availability.

II. The Unequal Distribution of Wealth

Since the peso devaluation of December 1994, that occurred as a result of the Mexican government's neo-liberal economic program, and only 11months after NAFTA was enacted, the number of Mexicans living in extreme poverty has increased by 5 million[1], making the total 22 million.[2]

In 1997 workers' wages remained one-third lower than before the peso crisis, and the number of working Mexicans was still below 1994 levels.[3] Mexico's income distribution became more unequal in the 1990s, and Mexico has, according to the World Bank, the sixth most unequal distribution in the world.[4] Real wages in 1996 were below what they were in 1981, and the Mexicans doing best were those with ties to the US economy, either via trade or migration.[5] Two out of three Mexicans themselves reported their personal economic situation to be worse in 1996 than in 1993.[6]

The latest macro analysis of Mexico points to high levels of growth. However, there is an important footnote to the numbers: the levels of growth are concentrated at the highest levels of business. "Eighty per cent of Mexico's exports are generated by only 700 firms, and NAFTA has not resulted in widespread modernization of Mexican industry."[7] According to economist Nora Lustig, of the Brookings Institute, this signifies an uneven impact of free trade.[8] Owners of large exporting businesses and industry near the US border have benefitted, often in partnership with American or Canadian companies; small or medium businesses or domestic industry outside of northern Mexico have not. Furthermore, Mexican government loans most frequently are granted to big business and banks that cater to foreign markets. In the context of successive economic crises, small business and domestic business have a more difficult time surviving.

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[1] Extreme poverty is measured in terms of an individual's or family's ability to purchase a basic "basket" of goods including food, clothing and housing. Mexico's total population is approximately 95 million.

[2] Mexico News, "Mexico/US Migration", 3 August 1996.

[3] Ricardo Sandoval, "Mexico's Improved Economy Draws Guarded Optimism", Knight-Ridder/Tribune News Service, August 19, 1997.

[4] "Mexico/US Migration".

[5] Ibid.

[6] Los Angeles News Service, Printed in the San Antonio Express-News, September 13, 1996.

[7] "Lopsided NAFTA", Industry Week, No.246, January 20, 1997, p. 20.

[8] Ricardo Sandoval.

An outgrowth of the neo-liberal agenda is an increased concentration in wealth and a decrease in social spending. Ten percent of the population consumes 70 percent of the goods and services.[9] On the other hand, 50 percent of the population receives only 16 percent of the national income.[10] It is true that privatizing state-run companies and opening financial markets has benefitted wealthy individual entrepreneurs. Yet workers have lost certain protections, unions are diminishing in power, and labour laws are not enforced.

Moreover, with the decrease in social spending (a trend that started with IMF austerity measures in the 1980s) has come less money for education and health care. While the scope of this study did not allow for a detailed examination of social spending, the authors recommend that ICCHRLA consider doing so in any future examination of Mexicans' social rights.

III. Poverty and Unemployment

Neo-liberals have always claimed that NAFTA would create Mexican jobs. Their optimism is based on the assumption that due to the inflow of American and Canadian industry, there would be an increase in demand for Mexican labour. This would also ideally help curb Mexican migration to the North in hopes of better employment opportunities. But after four years, it is clear that this has not happened.

1.85 million jobs were lost in 1995 due to a number of factors. The peso crash forced many small and medium businesses into bankruptcy. Mexican state-owned companies continued to be privatized to guarantee the influx of foreign capital. In addition, as consumption of American and Canadian imported goods increased, traditionally protected domestic industry became vulnerable, unable to survive and closing down due to foreign competition. "A recent study by the National Autonomous University of Mexico (UNAM) recorded that the numer of people working in the underground economy – 12.5 million – now outnumbers those working in the formal sector – 11.8 million."[11]

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[9] El Financiero Weekly International, July 14, 1996.

[10] "Mexico/US Migration".

[11] "'All This Does Not Help Us to Live': Systematic Human Rights Violations in Mexico, January 1995 - March 1996", ICCHRLA Special Report, Toronto, April 1996, pp. 7-8.

With increasing unemployment have come increasing poverty levels. According to a 1996 study by Mexico's National Autonomous University, 50 percent of all Mexicans are considered poor, a 19 percent increase in three years.[12]

IV. The Alternatives

The massive layoffs that followed the commencement of NAFTA, the bankruptcy of domestic business, the destruction of union power and the abandonment of agricultural ejidos (communal land holdings) has forced people to search for new ways to attain economic security including: maquila plants, child labour, and migration. These alternative modes of employment and income generation have had an adverse impact on the quality of life of the average Mexican.

a. Maquilas

Maquilas, referring to export assembly plants, are the major source of new jobs for the Mexican eocnomy. Since NAFTA came into effect, there has been a 50 percent increase in the maquila labour force. The majority of maquila workers (known as "maquiladoras") are young women who assemble imported goods into a finished product for export. The maquilas are exempt from tariffs on imported raw materials and components as long as the final product is exported. By April 1997, there were 873,700 maquila workers, up 21 percent from April 1996.[13] Maquiladoras earn an average of $5 to $7 a day plus benefits, down from $9 before the peso devaluation.[14]

The pressure for cheap, dispensable labour from the Canadian, American and Mexican governments and multinational businesses has resulted in low wages and poor living conditions: maquiladoras are part of the "flexible work force" of the neo-liberal agenda. Demands placed on them by employers often violate their rights as workers and as women. There is no right to strike and no right to organize or to associate freely. Often the women are sexually harassed and raped without legal recourse. The average worker cannot work more than a few years due to disabilities such as blindness or arthritis, resulting from unhealthy working conditions. Moreover, women do not receive a guarantee of stable employment. For example, maquiladoras in the state of Coahuila must take 12 pregnancy tests each year. If a woman is found to be pregnant, the employer can fire her at will.[15]

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[12] Migration News, "Mexico: Immigration and Poverty", February 4, 1997. Poverty is measured in terms of an individual's or family's ability to purchase a basic "basket" of goods (food, clothing, housing, etc.) and services (transportation, water, electricity, etc.).

[13] Migration News, "Mexico: Immigration, Politics, Border", July 4, 1997. In the months following the peso crash the maquiladora sector was the only one demonstrating growth among Mexican business and industry.

[14] Ibid.

b. Child Labour

There are 9 million children living in extreme poverty in Mexico, according to UNICEF. Since NAFTA came into effect, there has been a 100 percent increase in the number of Mexican children living and working on the streets of the capital.[16]

Following the December 1994 peso devaluation, the incomes of poor Mexicans dropped by half and "the ensuing economic desperation, brought new waves of children into the [agricultural] fields to supplement their parents' shrinking earnings."[17] Although children under the age of 14 are legally prohibited from working, there are 800,000 child labourers between the ages of 6 and 14 in 14 different sectors of the economy.[18] The rise in export-oriented agriculture and successive economic crises has led to joint-ventures between Mexican and US growers that "are achieving greater competitiveness at the cost of children working in the fields."[19]

> "3,000 children work in the green onion harvest in the Mexicali Valley. Beginning in October and running through June, the season coincides with the school year. Even though the population of the area is growing, rural schools have lost children almost every year. The companies pay 80 or 81 centavos for a dozen bunches of onions. For an adult this can amount to fifty pesos ($6.66US) a day. A child, on the other hand, might produce twenty or thirty bunches; roughly half that of an adult."[20]

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[15] La Jornada, December 11, 1996.

[16] Reforma, December 14, 1996.

[17] David Bacon, The Nation, "Mexico's New Braceros: How NAFTA Promotes Child Labour - and Truancy - in the Onion Fields", No.264, January 27, 1997, p.18.

[18] Secretariat of Labour and Social Forecasting, Mexico.

[19] David Bacon.

[20] Ibid.

c. Migration

One of the arguments in favour of NAFTA was that eventually there would be a decrease in the number of Mexicans migrating to the United States. Thus far, the contrary is true. More Mexicans are attempting to enter the US at the border illegally. In 1994, as many as 800,000 Mexicans entered the United States in search of work, almost half of those illegally. Some agro-business owners have moved production back to the US from Mexico, increasing the illegal entry of Mexicans as there is an increased demand for migrant farm workers.[21] Tens of thousands of peasant families (1.8 million people in 1994) are on the move to Mexico City and northern industrial cities; from there many enter the United States illegally searching for economic security: "Many of the new migrants are moving directly to northern border states, where they can find work as grape or orange pickers, and from there move to the United States."[22] But the United States has, through anti-immigrant legislation and the militarization of the border region, made it increasingly difficult for people to go where the work is.

The increase in poverty and the decrease in stable employment opportunities in Mexico has also led to an increase in migration to Mexico City: it is estimated that 1,000 people arrive in Mexico City every day. There, "rural-urban migrants are sometimes forced to sleep on the streets and make a living selling chewing gum to motorists, washing windshields or begging. In some instances, the migrants work at night to avoid extortion by the police.[23]

V. Cash for Whom?

> "What we need is to produce food first for people to eat here in Mexico, where people are actually hungry and where no one buys these green onions. The government makes the same kind of argument about the maquilas -- that they bring jobs. Yes, they bring jobs, but what kind of jobs? Are they really jobs with a future, that a family can live on?"[24]

Even though at the macro level, green onions help boost export numbers, -- as do maquilas -- green onions are a cash crop that reaps profits for the owners of the agro-industrial farms, not the average agricultural worker. The green onion has a devastating effect on the local Mexican economy. It cannot provide subsistence for the average Mexican family, and perhaps more importantly, cannot contribute to their future economic security.

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[21] Migration News, "Mexico: Migration and NAFTA", November 2, 1995

[22] Ibid.

[23] Ibid.

[24] David Bacon.

In light of this, it is essential to ask the question: Who is NAFTA good for? In 1993 Tony Clarke, then chair of the Action Canada Network, stated that, "NAFTA is little more than a corporate bill of rights that accentuates the priority of capital over labour; corporations over communities."[25] In the same year, Bishop Carlos Quintero Arce of Hermosillo Diocese in Sonora state spoke about the implications of NAFTA at the grassroots level in Mexico: "NAFTA places no priority on ending poverty and does little to ensure the dignity of work or the rights of workers, principles grounded in traditional Catholic social teachings. Unless it does so, it will just widen the gap between those who have much and those who have nothing.[26]

VI. The Agricultural Sector

1. a) Reforming the agricultural sector in Mexico

Beginning in the mid 1980s, economic reforms were introduced which transformed Mexico's agricultural sector. Emphasizing modernization, the agricultural liberalization policy was guided by the goal of restructuring the sector so that it would become a more efficient producer on an international level. Among the objectives of the government were the withdrawal of universal subsidies for food and agricultural supplies; the eventual elimination of guaranteed prices for all grains and a move towards market-driven prices; a reduction in the role of agricultural parastatal agencies; and a reduction of credit to small farmers producing basic products destined for the domestic market.

Essentially, the government decided that the revamped agricultural sector would emphasize agroindustry, not the family farm. Exports were to take precedence over production for the domestic market. As well, the government structured the agricultural sector so that it would reap the benefits of high returns on producing exports for foreign markets relative to low returns on goods produced for low-wage domestic consumers.

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[25] National Catholic Reporter, "While NAFTA is Needed, This Is Not the NAFTA We Need", October 30, 1993, p.28.

[26] Ibid.

b) The impact of NAFTA

The North American Free Trade Agreement (NAFTA) was key to realizing these objectives of the government. Traditionally, international trade agreements have treated agriculture differently from other goods. NAFTA, however, took the unprecedented step of treating agriculture prominently in the agreement. Indeed, the incorporation of agricultural business in the NAFTA negotiations was very controversial, not least because of the significant imbalances which exist between the agricultural sectors in the US, Canada and Mexico. Fear was widespread that NAFTA's impact on these sectors in the US and Mexico in particular, would be uneven, since the United States had extensive farm-support programs, was technically superior and had more abundant natural resources. Mexico, in comparison, had only minimal infrastructure for agricultural production and lacked any competitive base. In short, Mexico had more to lose.[27]

During the NAFTA negotiations, Mexico succeeded in having both corn and beans, by virtue of their being "sensitive" products and strategically important to the country's agricultural sector, excluded from the immediate effects of the liberalization strategy. Both grains were to be gradually opened up to the dictates of the international market over a period of fifteen years (ending in 2008), by which time all protective measures and duties will have been eliminated. The negotiation of these basic grains exemptions was presented by the Mexican government as a triumph, since it permitted long-term protection and a gradual transition for less competitive and more vulnerable producers. In the years since, however, not only has there been declining per capita domestic corn production but also corn imports have increased significantly, often exceeding quotas and often without duties placed on them, as provided for under NAFTA. As the Mexican Action Network on Free Trade (REMALC) writes in a 1997 report, "the architects of the agricultural policy decided to do away with the 'extraordinary protection' given to corn for fifteen years as stated in NAFTA, and [in three years] it has now reached year fifteen".[28] Adds REMALC, commenting on the Mexican negotiators' so-called triumph, "the facts contradict the neoliberal illusions".[29]

c) General impact

With the liberalization and globalization of the agricultural sector, the government is left with little room to develop strategies to augment basic grain production and stimulate the rural economy. While large-scale producers and exporters are succeeding under the reforms, small-scale farmers and campesinos are being forced off the land and rural poverty is increasing. Clearly, the reforms are not benefiting all Mexicans. Indeed, by not attempting to regulate the national economy and instead relying so heavily on market forces, Mexico is exposing itself to adverse consequences in regard to income disparity[30], the environment, the survival of small and medium-scale producers and indigenous peoples, nutrition, as well as the very economic and political stability of the nation.

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[27] Statistics would seem to bear this out: Mexico's agricultural exports to the US constitute 75% of its total exports; 69% of its imports come from the US. On the other hand, the United States' exports to Mexico constitute only 6.8% of its total exports.

[28] Espejismo y Realidad: El TLCAN tres años despues, REMALC, 1997, p. 94.

[29] Espejismo 95.

d) The revamping of the ejido system

The 1992 constitutional reform of the ejido system was one of the most significant and far-reaching changes arising from the government's liberalization of the agricultural sector in Mexico. The reform was key to the government's intention to create a free market of Mexican land. Furthermore, for both the new agricultural model and NAFTA, the ejido system was considered a barrier.

One of the goals following the Mexican Revolution was the redistribution of land. The subsequent land reform redistributed hacienda land (traditional holdings of large landowners) by creating ejidos, whose members could work the land individually, or collectively, depending on political and economic circumstances. Although the community members – the ejidatarios – did not have the right to sell, rent, or mortgage the land, their parcels were considered to be private property, to work as they pleased within the guidelines established by the community itself.

In 1992, however, reforms instituted by the government significantly changed the rules for land ownership and use. Amendments to the hallowed Article 27 of the Constitution ended the government's historic commitment to provide land to Mexican peasants and paved the way for the privatization of Mexico's social sector, of which ejidos are a part. The amendments included the termination of land redistribution; the granting to ejidatarios of the right to sell, rent or mortgage their individual parcels, and to enter into joint ventures and contracts with private investors; and the elimination of the requirement that ejidatarios had to work their land to retain control. The reforms also provided for a decentralized government bureaucracy to certify ejido rights, title ejido parcels and settle land disputes. In terms of land ownership, while individuals would still be limited to one hundred hectares of land, foreigners could purchase land on much the same basis as Mexicans, and both foreign and domestic corporations could own up to 2500 hectares.[31]

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[30] Between 1984 and 1992, the wealthiest 10 per cent of Mexican farmers saw their income increase by 25 per cent, while the poorest 10 per cent saw their income fall by 3 per cent.

[31] Even though the revised Article 27 does maintain limits to private property, there is not much confidence that these limits will be enforced given the government's past history of protecting large

There are serious concerns that the new ability of ejidatarios to enter into joint ventures with the private sector will not work to their benefit, since such ventures are not appealing to investors and are more difficult to manage than originally believed. Private investors are usually unwilling to sustain long-term commitments as market and production conditions change. They are also unwilling to commit to conservation activities that, for local farmers, are normally a part of the production process. As well, given the unwillingness of investors to share their profits and the ejidatarios' lack of capital to invest, it seems unlikely that either domestic or foreign investors will want to enter into direct relationships with ejidos.

In the end, the reforms affecting the ejidos will be effective in promoting only a small group of farmers into export production. For the remaining ejidatarios, many of whom work plots that are either too small or which are of marginal quality, and who are cut off from the institutional and financial support which would have enabled them to continue to farm within the market-oriented agricultural sector, they will be unable to compete. Many of them could end up losing their lands, resulting in a growth in landless rural workers and urban migration.[32]

To be sure, changes were needed to the ejido system. Land parcels were becoming smaller with each generation. Individualism and corruption by ejido officials, as well as land grabbing by the most powerful, had led to increased social stratification. However, the reforms largely ignored social and economic concerns such as maintaining food security, promoting rural development, absorbing rural labour and preserving cultural values. More generally, by terminating land distribution and opening up the ejidos to land transfers, the government made land more of a commodity and less of a national resource to be used for socially productive purposes. By favouring the individual over the communal, and financial over moral considerations, the state released itself from its revolutionary responsibility to supply land to peasants and promote the common good.

2. Chihuahua: A Case Study

i) Reforms

Chihuahua serves as an interesting example of the effects of governmental reforms in the agricultural sector. Situated on the border with the US, Chihuahua is Mexico's biggest state whose agricultural output is largely dedicated to cultivating corn and beans. It has been hard hit in several areas as a result of economic liberalization: credit given to farmers; subsidies for agricultural supplies; and guaranteed prices.

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landowners and its current faith in market forces.

[32] To date there are no conclusive statistics regarding landlessness and migration. This is due in large part to the huge backlog in the new land titling process.

a) Credit given to farmers

Neo-liberal reforms, especially directives issued by the World Bank, led to substantial changes in government credit to farmers during the 1980s and the first half of the 1990s. In Mexico as a whole, between 1980 and 1988, total credit to farmers, given through Banrural (Rural Development Bank), was reduced by almost one-third. However, Chihuahua largely escaped feeling the effects of this reduction in credit. In 1990, though, with the initiation of the government's program to modernize the agricultural sector, Banrural reduced its credit coverage from 300,000 hectares to 100,000 hectares.[33] As a result, more than 10,000 campesinos in Chihuahua lost their credit.

Between 1989 and 1992, Chihuahua experienced a reduction of some 75% in the land area covered by Banrural, as well as a reduction of 37% in total financing.[34] Many campesinos turned to Pronasol (National Solidarity Program), which the government had implemented to minimize the effects of the reduction in credit from Banrural. The campesinos preferred the credit given by Pronasol, since their loans were interest-free. Pronasol supports up to six hectares of land per campesino, since this figure is what the government believed was the national average. However, the average in Chihuahua is between ten and fifteen hectares, due to the low yields in comparison with other regions in Mexico. Consequently in 1992 for example, support by Pronasol covered only 130,000 of the almost 900,000 hectares of agricultural land in Chihuahua state.[35]

Reforms to the credit system in the agricultural sector have created a situation in which credit is not sufficient even to maintain the campesinos on the margins of subsistence, and does little to maximize the potential of traditional agriculture.

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[33] This decision was partly due to the fact that the company which provided agricultural insurance, ANAGSA (National Agriculture and Cattle Insurance Company), folded in 1988. It soon became evident that if Banrural loaned money, it was because ANAGSA would have covered the credits in case of crop failure.

[34] Carlos A. Heredia and Mary E. Purcell, The Polarization of Mexican Society: A Grassroots View of World Bank Economic Adjustment Policies, Equipo PUEBLO, Mexico, December 1994.

[35] In addition, in the early 1990s, the federal government instituted Procampo (Program of Direct Support to Campesinos), the objective of which is to give support to campesinos who grow such basic grains as corn, beans and wheat. The money given under Procampo need not be paid back; however, the campesinos must prove that they are growing at least one of these crops. The main problem with this program, though, is that financial support is not given until their crops have already been established. Yet, poor campesinos, especially, need the money at planting time in order to be able to grow and harvest their crops. Although officially given for agricultural production, the Procampo money has come to be used as an indispensable source for covering daily living expenses – for the very survival of the campesinos themselves.

Agricultural producers are thus divided into two groups: those which have the potential to compete internationally and those which don't.

b) Subsidies for agricultural supplies

The government has reduced subsidies for fertilizers, seeds, fuel and other supplies essential to agricultural production. As a result, many campesinos can no longer purchase the supplies they need. Up until recently, the government had been the principal provider of fertilizer and seeds, through the state companies Fertimex and Pronase respectively. However, the government was forced by the World Bank in the late 1980s to eliminate or reduce subsidies which the Bank viewed as a trade barrier. In the case of Fertimex, in October 1991 a new system was introduced which fixed all of its prices at international levels, leading to higher prices for seeds.

In Chihuahua, the new programs aimed at making the agricultural sector more profitable and productive – of which these reductions or eliminations of subsidies for agricultural supplies are a part – benefit, above all, large-scale producers, since the aim of these programs is essentially to strengthen the export sector, and not those who produce basic grains. Consequently, there has been a shift in focus as to which players in the agricultural sector will benefit from government assistance. In 1997, the fertilization and irrigation program (Programa de Fert-Irrigacion) had 17.9 million pesos available to hand out to 121 mainly fruit and cattle producers growing for export. On the other hand, the rural supplies program (Programa de Equipamiento Rural) had 6.9 million pesos to be shared among nearly 4500 campesinos who grow corn and beans – and they represent only 3% of the total campesino farmers in the state. Thus, each of those 121 producers, who belong to the modernized sector, receive an average of 148,450 pesos in support, while the basic grains producer receives an average of 1550 pesos.[36]

c) Guaranteed prices

To protect small-scale producers from wide fluctuations in the price of their products, the government had instituted guaranteed prices. Beginning in 1981, however, the guaranteed prices were gradually eliminated, except for beans and corn, whose prices were reduced. Between 1981 and 1990, the real guaranteed price of corn fell by 39%; for beans, it fell by 27%.[37] Prices for these two grains will eventually be set by supply and demand forces in the market. For producers in Chihuahua, where the cultivation of these basic grains is the backbone of the state's agricultural sector, they need to know these prices in advance in order to be able to plan their harvest. Fluctuations in the market prices of these grains, especially when the market is completely open to cheap imports, will make it virtually impossible for small-scale producers to survive.

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[36] Respuestas Campesinas Frente a la Exclusion: El Caso de las Zonas de Temporal del Estado de Chihuahua. Frente Democratico Campesino y Equipo PUEBLO, June 1997. The peso is currently valued at approximately 8 pesos to $1 US.

[37] Polarizacion, 16.

The liberalization of the agricultural sector has had both positive and negative effects for Chihuahua. Reductions in import duties have signified a marked increase in the importation of cheap basic grains against which campesinos cannot compete. On the other hand, it has paved the way for the cheap importation of supplies that benefit the producers, especially small-scale ones. Nevertheless, these cheap, imported supplies have often not compensated the producers for increases sustained in the prices following the elimination of subsidies.

Generally speaking, for the Chihuahuan agricultural sector, the strategy is to promote agroindustry and specialiization in products with greater value for the domestic and international market. This view is born out of a global perspective that stresses efficiency and financial earnings over socio-cultural and human factors. It is not surprising, then, that the strategy does not respond to the needs of basic grains producers and campesinos. Indeed, it emphasizes that the production of basic grains is not competitive on a global level, and even suggests a transition to other, more profitable products. However, no plan is offered for such a transition. Moreover, due to the nature of the land and the lack of rain and mechanized irrigation, there are few possibilities to cultivate other products. World Bank officials recommended that campesinos in Chihuahua engage in, for example, strawberry farming. Yet, apart from the fact that strawberries cannot be produced competitively in Chihuahua, such a transition would require financing, training, as well as technical and marketing assistance, and there is no government assistance in any of these areas.[38] Thus, although the agricultural sector will likely continue to be a principal source of income for Chihuahua, there will be less jobs in that sector. In other words, fewer (ie: larger) producers will produce more profitable products for export.

ii) Impact on the people of Chihuahua

For most families in Chihuahua, as in much of the rest of Mexico, the economic effects of liberalization of the agricultural sector have been dramatic and largely negative. Perhaps the most striking change has been the decrease in agricultural activity and the resultant increase in urbanization. For example, between 1980 and 1990, the percentage of activity by the primary sector (agriculture, cattle, fishing) in Chihuahua fell from 24.7% to 17%. During this period of time, the number of landowners fell by more than 50%.[39] Between 1990 and 1995, urban migration made significant inroads: Chihuahua's 36 rural municipalities registered an annual 8.7% decrease, while the population of the state overall rose by 14% during that period.[40]

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[38] There is also the possibility of cattle farming, which has increased in Chihuahua since liberalization of the agricultural sector eliminated export permits for cattle products. Nevertheless, there remains the question of using land for a product which is to be largely exported (cattle) instead of using land to grow products (basic grains) essential for the domestic economy.

For families who continue to farm, they must invariably diversify their incomes.[41] Some family members migrate to the urban centres in Chihuahua. A great many others, however, because of the proximity to the border, try their luck in the US (Indeed, it is becoming more and more difficult to come across a family that does not have at least one family member working there and sending money back home.) However, the new anti-immigration bill in the US, which came into effect in April 1997, increases the penalties against employers of illegal immigrants, and withdraws social benefits to migrant families there. This legislation has caused grave concern in Mexico, since it portends a massive return of Mexicans, with serious consequences for the country (especially Chihuahua, since it is situated on the border). Not only is there is insufficient work for the nearly 3 million Mexicans without documentation who live in the US, but also it is estimated that Mexican families receive close to US $4 billion annually from family members in the US.[42] Where that money will come from amid a revamped agricultural sector in Chihuahua is not clear.

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[39] Polarizacion 17.

[40] Respuestas 23.

[41] A recent study by the Frente Campesino Democratico determined nine possible sources of income for Chihuahuan campesinos: harvest, fruits, cattle, day labour, regular jobs, money sent from relatives in the US, business activities, as well as credit from either Procampo or Pronasol. The study also notes that many families do without a great many necessities due to a loss of income. Some families are unable to purchase new clothes and shoes. Others have stopped buying meat and cheese, as it has become too expensive. For other families, it has become very difficult to fix their homes and buy furniture, and even to pay for the education of their children (Reported in Respuestas 22).

[42] The figures come from the Binational Study on Migration, released on 2 September 1997. The study was coordinated by the Mexican Foreign Ministry and the U.S. Commission on Immigration Reform. It is the first formal migration study to be sponsored by the US and Mexican governments. The study also reports that the Mexican-born population living in the US numbers between 7 million and 7.3 million.

ANNEX F:

Santiago Summit Documents

Annex F
Santiago Summit Documents:

a) Preparing for the Santiago Summit (ICCHRLA board discussion paper)

CLC *fax* PRESS

A CANADIAN LABOUR CONGRESS BULLETIN October 30, 199

White stands by striking Ontario teachers

In a letter and press statement released earlier this week, CLC President Bob White urged working people and trade unionists throughout Ontario to continue coordinating protest support activities with the teachers - including picket line support.

"There should be no illusion about this government's intentions," stated White in his Solidarity Message. "They've been anti-union from the beginning and now they seem prepared to risk Ontario children's school year to prove it. But, there should be no illusion about the teachers' resolve to fight for quality education in Ontari for present and future students."

On Monday more than 126,000 Ontario teacher went on a province-wide strike to protest the Harri government's intransigence over Bill 160, legislation whic will increase classroom size, lengthen the school year, cu teacher preparation time and trigger the loss of at leas 10,000 jobs.

The provincial Conservative government is threatening court action to force teachers back to work.

Union delegation to Columbia reports repression

Human and workers' rights are under increasing attack in Columbia says CLC staff rep David Onyalo following a recent 10-day trip to that country with a trade union delegation organized by the Inter-Church Committee on Human Rights in Latin America.

Onyalo, reporting to the CLC's Executive Committee last week, noted that displacing people and genocide are common policies in Columbia when corporations want to "clear away people" to build tourist facilities, mine for gold and bauxite or explore for gas and oil.

Onyalo was among a group of eight trade unionists who witnessed the violence and repression against Columbia's rural people and 'campesinos', its indigenous population, and African-Columbian communities. The delegation met with people who detailed human rights abuses and explained how the military regime is criminalizing trade union activity. In 1996 at least 80 trade unionists were killed.

Onyalo visited the rural region of Uraba and spent time talking with trade unionists from the Petroleum Workers Union (USO) who are currently jailed in th capital city of Bogota.

Columbia's civilian government is controlled by th military and Onyalo notes that corporations are benefittin from the military force used to displace and terroriz people. Many corporations investing in Columbia ar eager to bust unions as well and as a consequence ar attacking trade union activists.

"The government always uses the same reason t excuse the violence - they always accuse trade unionist of being subversives and of being involved with th guerillas or with drug dealers," says Onyalo.

"It's really important that we get the message out tha Canadian corporations could be profiting from the bloo of farmers, indigenous peoples and trade unionists if the invest and operate in Columbia. We want Canadian corporations operating in Columbia to call for respect of life an human rights and for the legitimacy of trade union right

(page 1 of 2)

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Colombians risk lives to cast local ballots

Dozens of candidates killed by rebels during campaign

BOGOTA, Colombia (AP-Staff) — Amid heavy security, Colombians voted for state and local offices yesterday in elections marred by a rebel sabotage campaign that has killed dozens of candidates and scared thousands more into withdrawing.

Obeying leftist guerrilla orders to boycott the ballot and stay off highways, tens of thousands of Colombians in the countryside outside state control were expected to stay away rather than risk rebel retribution.

More than 200,000 police and soldiers guarded voting stations. But rebels seized and burned ballots in several isolated villages, blew up electrical towers and kidnapped 10 election officials in one northern town, authorities said.

The municipal elections amount to a bloody foretaste of presidential elections next May.

In their stiffest challenge to the government in more than 30 years of fighting, leftist guerrillas have badly embarrassed President Ernesto Samper's scandal-plagued administration.

More than 100 candidates and elected officials have been murdered this year, most by guerrillas but some by the rebels' paramilitary foes. More than 2,000 candidates withdrew under death threats, dozens after being kidnapped.

Canadian human rights activists condemned the rebel violence, including the kidnapping of international election observers.

"It's a deplorable situation. These actions are most serious violations of international law," William Fairbairn said in a telephone interview with The Star's Linda Diebel, the Latin American bureau chief. Fairbairn is from the Toronto-based Inter-Church Committee on Human Rights in Latin America.

On Friday, National Liberation Army rebels kidnapped two election observers, saying they won't release them until the military withdraws from a large area of northwestern Colombia.

It was the first time election observers from the Organization of American States have been targeted. No one bothered them in Nicaragua, or in Paraguay or Haiti, where their missions were aimed mainly at preventing fraud.

Fairbairn, who recently travelled to Colombia with Canadian human rights workers and union activists, says the rebels aren't acting alone to turn Colombia into the most violent country on earth.

Last year, 27,000 people died violently, including the murders of scores of human rights workers and priests.

"We were in the north (in Uraba) and, of the 40 people killed in the lead-up to elections, six were killed by the FARC (Revolutionary Armed Forces of Colombia) and the rest by paramilitary forces," Fairbairn said.

"Our point is that these elections are one moment in time, but that there must be a new initiative to get peace back on the agenda in Colombia."

He added that human rights workers are particularly worried about municipal elections in Apartado, a hub-town in the violent Uraba northern region.

Former Libyan-trained guerrilla Teodoro Dias, alleged to be leading a paramilitary force, is running for mayor there.

If he wins, Fairbairn warned, Colombian human rights groups fear paramilitary thugs will operate with impunity throughout the region.

Le Devoir - Mercredi 29 octobre 1997

COLOMBIE

«Un pas en avant, trois pas en arrière»

CLÉMENT TRUDEL
LE DEVOIR

La plus grande déception du mandat du président colombien Ernesto Samper, commencé en 1994, c'est *«la tolérance de son gouvernement pour les groupes paramilitaires»* - il y en aurait plus de 250 à l'oeuvre. Le dernier «rapport spécial» du Comité inter-Eglises sur les droits en Amérique latine, qui a son siège à Toronto et dont le directeur général, William Fairbairn, rentre tout juste d'une mission d'observation en Colombie, vient de sortir des presses. Le document de 55 pages résume les trois ans d'exercice du président Samper en l'accusant de faire *«un pas en avant, trois pas en arrière»*, de pas tenir sa promesse de lutter contre l'impunité des auteurs de massacres et de violation des droits.

Citant la Commission colombienne des juristes (p. 26) le CIEDHAL dont le sigle anglais est ICCHRLA fait ressortir que les assassinats politiques et les violations des droits attribués aux forces armées ont effectivement diminué; alors qu'on leur attribuait 54 % des cas en 1993, on n'enregistrait plus que 33 % de ces violations attribuables à l'armée en 1994, 16 % en 1995 et 11 % en 1996. On croirait bien à un redressement. Toutefois, ce que la CCJ signale à regret, c'est que les groupes paramilitaires prennent la relève puisque de 18 % des violations qui leur étaient attribuées en 1993, ils passent l'année suivante à 35 % pour aboutir à 46 % en 1995 et à 63 % en 1996! La complicité entre les paramilitaires et militaires dans une région comme Urabá a même été dénoncée par le colonel Carlos Alfonso Velázquez dans un mémo adressé au chef des armées, le général Manuel José Bonett. Le colonel a été forcé de quitter l'armée et, en janvier 1997, un tribunal militaire a complètement blanchi le supérieur de ce militaire *«déloyal»*, le général Rito Alejo del Río.

Une dizaine d'observateurs canadiens ont parcouru diverses régions du pays

Pas plus que son prédécesseur César Gaviria, Ernesto Samper ne semble désireux de modifier les lois de son pays pour que soit dûment sanctionné le crime de *«disparition forcée»*, déplore le CIEDHAL qui ne manque pas de répertorier les exactions dues à des groupes de guérilleros, tout en soutenant que le problème principal réside dans la terreur que répandent les paramilitaires, comme ce fut le cas à Apartadó où la mairesse Gloria Cuartas, alors qu'elle s'adressait à des écoliers pour les préparer à la *«semaine de la paix»*, a vu s'approcher deux hommes armés qui ont décapité à la machette un enfant de 12 ans. L'événement est survenu le 22 août 1996, il fut suivi de l'assassinat du secrétaire de la mairesse alors qu'elle se trouvait en tournée en Europe. Des militaires ont aussi fait comparaître Mme Cuartas pour lui signifier leur colère face aux propos *«calomnieux»* contenus sur un site Web en provenance de Madison, petite ville du Wisconsin jumelée à Apartadó. À Madison est né le CSN (Colombia Support Network) qui continue de gêner les autorités colombiennes.

Du 1er au 11 octobre, une dizaine d'observateurs can diens encadrés par W. Fairbairn ont parcouru diverses re gions de Colombie pour se documenter sur la situation de syndicats. Carl Hétu, de Développement et Paix, en était; il vu plusieurs camps de personnes déplacées qui vivent dan des conditions précaires (elles seraient plus de 900 000 qu ont fui le feu croisé des forces qui perpétuent la violence) e retient que les syndicalistes *«sont en train d'être exterminés»* — 253 militants et dirigeants syndicaux ont été tués l'an dernier, de très nombreux autres ont choisi de s'exiler ou de se réfugier dans la capitale, Bogota. C'est là que M. Hétu s'es entretenu avec plusieurs anciens dirigeants syndicau d'une usine Coca-Cola du nord de la Colombie. Un matin des hommes armés ont froidement tiré à bout portant l'u des syndiqués et sommé l'exécutif de déguerpir, sinon *«nous reviendrons vous abattre tous»*. Il faudrait, croit Car Hétu, un suivi pour éviter que des Colombiens continuen d'être ainsi sacrifiés.

Quant au rapport spécial du CIEDHAL — qui sera disponible bientôt en français — il demande que le Canada agiss de façon que les relations commerciales avec la Colombi soient conditionnées à une amélioration des droits de la personne. Parmi les obstacles à la varie pacification de la Colombie, on retient l'absence de réforme en profondeur de la justice militaire et l'existence de «coopératives» d'autodéfense (CONVIVIR) ressemblant fort, selon W. Fairbairn, aux groupes organisés dans les années 80 par les militaires et qui ont perpétré des milliers d'assassinats.

LETTERS

Complexity no excuse for rights abuses in Colombia

Re *Colombia doesn't condone violence* (Nov. 3 letter) by Colombian Ambassador Lopez Caballero. Colombia's complexity should not be used as a smoke screen to hide the fact that, at present, paramilitary groups, together with the state security forces, are responsible for about three quarters of the reported cases of political killings and massacres.

Our committee, together with many other credible Colombian and international human rights organizations, has gathered abundant proof of the ongoing links between senior members of Colombia's armed forces and the country's paramilitary death squads.

By abdicating its responsibility to actively combat these groups and to sanction the military who support them, the Samper government cannot continue to portray itself as an innocent victim of violence beyond its control. Through its actions and omissions, it is condoning gross and systematic human rights violations.

ANNETTE DEKKER
Inter-Church Committee
on Human Rights
in Latin America
Toronto

THE TORONTO STAR Monday, November 3, 19

LETTERS

Colombia doesn't condone violence

Re the Oct. 28 news story on the Inter-Church Committee on Human Rights in Latin America criticizing the federal government for encouraging investment in Colombia at a time of atrocities against trade unionists there.

It is totally irresponsible to affirm, that "a government-backed reign of terror is being waged against trade union leaders and social activists."

The situation in Colombia is very complex. The government does not have a monopoly on force. Violence comes from many sources: guerrilla groups, paramilitary groups, drug traffickers, common criminals. Many people suffer: judges, journalists, politicians, peasants, businessmen and, of course, trade union leaders.

At the same time, Colombia has been always characterized by its free press, free elections and democratically elected civil governments. Far from encouraging or abetting violence and repression, different governments have endeavoured to implement measures to respond to this problem.

ALFONSO LOPEZ CABALLERO
Ambassador
Embassy of Colombia
Ottawa

Kitchener Waterloo
RECORD

OTTAWA

Colombian appeal met by horror stories

By Juliet O'Neill Southam Newspapers

The decapitation of a 12-year-old Colombian boy by paramilitary forces is one of a litany of horror stories that has human rights activists upset that the Canadian government is supporting Colombia's attempt to attract Canadian investment.

The investment paradise that Colombian government ministers are promoting in Canada this week is actually a "nightmare of terror" for trade unionists, civic leaders and many thousands of innocent people, human rights activists said Tuesday.

A fact-finding delegation issued a report about the "extremely grim" situation during a visit by Colombian representatives aimed at boosting economic ties with Canada.

Foreign Minister Lloyd Axworthy, who met the delegation in Ottawa, said human rights were on the agenda and Canada appreciates Colombia's support for the treaty to ban landmines. Colombian-Canadian trade was valued at $800 million last year and Canadian investment totalled $3 billion.

Committee official Bill Fairbairn and his colleagues asked Axworthy for an emergency refugee program for trade unionists and others in Colombia facing death threats and sought a monitoring program to ensure the sale of Canadian goods are not converted for use in terror campaigns.

"Members of the delegation are seriously concerned that Canada's growing trade and investment links with Colombia are taking place in a context of a wave of killings and violent attacks against Colombian trade unionists, who have opposed privatization of sectors in which Canadian corporations are investing."

The committee said political violence has escalated to the point where an average of 10 people are being killed each day by military and paramilitary forces and nearly a million people, mostly women and children, have fled their homes and are living in inhumane conditions. The campaigns of violence are being conducted with apparent impunity and the situation is expected to worsen.

The report contained testimony about such horrific events as an attempt by a paramilitary group to silence the outspoken mayor of a northern town by decapitating 12-year-old Cesar Augusto Rivera with a machete and holding the head up "for all the children to see."

OTTAWA CITIZEN

Rights group condemns Colombia

Activists point to 'nightmare of terror' as officials seek Canadian investors

BY JULIET O'NEILL
The Ottawa Citizen

The decapitation of a 12-year-old Colombian boy by paramilitary forces is one of a litany of horror stories that has human rights activists upset that the federal government is supporting Colombia's attempt to attract Canadian investment.

The investment paradise that Colombian government ministers are promoting in Canada this week is actually a "nightmare of terror" for trade unionists, civic leaders and many thousands of innocent people, human rights activists said yesterday.

Members of a fact-finding delegation of the Inter-Church Committee on Human Rights in Latin America issued a report about the "extremely grim" situation during a visit by Colombian Foreign Affairs Minister Maria Emma Mejia and Trade Minister Carlos Ronderos, aimed primarily at boosting economic ties with Canada.

Foreign Minister Lloyd Axworthy, who met the delegation, said in a statement announcing the Colombian ministers' visit that human rights were on the agenda and that Canada appreciates Colombia's support for the treaty to ban land-mines. Colombian-Canadian trade was valued at $800 million last year and Canadian investment totalled $3 billion.

Committee official Bill Fairbairn and his colleagues asked Mr. Axworthy for an emergency refugee program for trade unionists and others in Colombia facing death threats and sought a monitoring program to ensure the sale of Canadian goods like helicopters — sold as air ambulances — are not converted for use in terror campaigns against innocent people.

"Members of the delegation are seriously concerned that Canada's growing trade and investment links with Colombia are taking place in a context of a wave of killings and violent attacks against Colombian trade unionists, who have opposed privatization of s
tors in which Canadian corporati
are investing," the committee said,
ing oil and gas and telecommuni
tions. "The delegation is worried ab
the danger that Canadian compan
could be complicit in or profiting fr
these gross violations of hum
rights."

The committee said political v
lence has escalated to the point wh
an average of 10 people are being kill
each day by military and paramilit
forces and nearly a million peop
mostly women and children, have fl
their homes and are living in inh
mane conditions.

The campaigns of violence are bei
conducted with apparent impun
and the situation is expected to wors
as national elections, seven mont
away, draw nearer.

The report contained testimo
about such horrific events as an
tempt by a paramilitary group to
lence the outspoken mayor of a nort
ern town by decapitating 12-year-o
Cesar Augusto Rivera with a mache
and holding the head up "for all t
children to see."

A12 THE TORONTO STAR Wednesday, October 22, 1997

Call to invest in Colombia condemned by rights group

Report released as Marchi meets Bogota minister

OTTAWA (CP) -- The Canadian government is actively encouraging investment in Colombia at a time when Colombian trade unionists are being murdered in unprecedented numbers, says a human rights group.

"We have never seen the level of atrocities we are seeing today in Colombia," said Bill Fairbairn of the Inter-Church Committee on Human Rights in Latin America said yesterday.

"There are more political killings and disappearances each year in Colombia than those reported during the entire 16 years of the Pinochet dictatorship in Chile."

Fairbairn and a delegation of monitors recently returned from Colombia, where they say a government-backed "reign of terror" is being waged against trade union leaders and social activists.

Their report stands in startling contrast to a guide from Canada's Department of External Affairs and International Trade, dated Feb. 25, 1997.

The guide calls Colombia's economy "one of the most stable and dynamic in Latin America" and says Colombia offers excellent credit risk conditions for medium- and long-term financing.

Of Colombia's scandal-rocked presidency, which has been linked to funds from the Cali drug cartel, the report is all but silent.

Trade Minister Sergio Marchi, following a meeting in Ottawa yesterday with Colombian Trade Minister Carlos Ronderos, acknowledged paramilitary violence is a concern.

But he said an investment prospectus is not the place to raise such concerns.

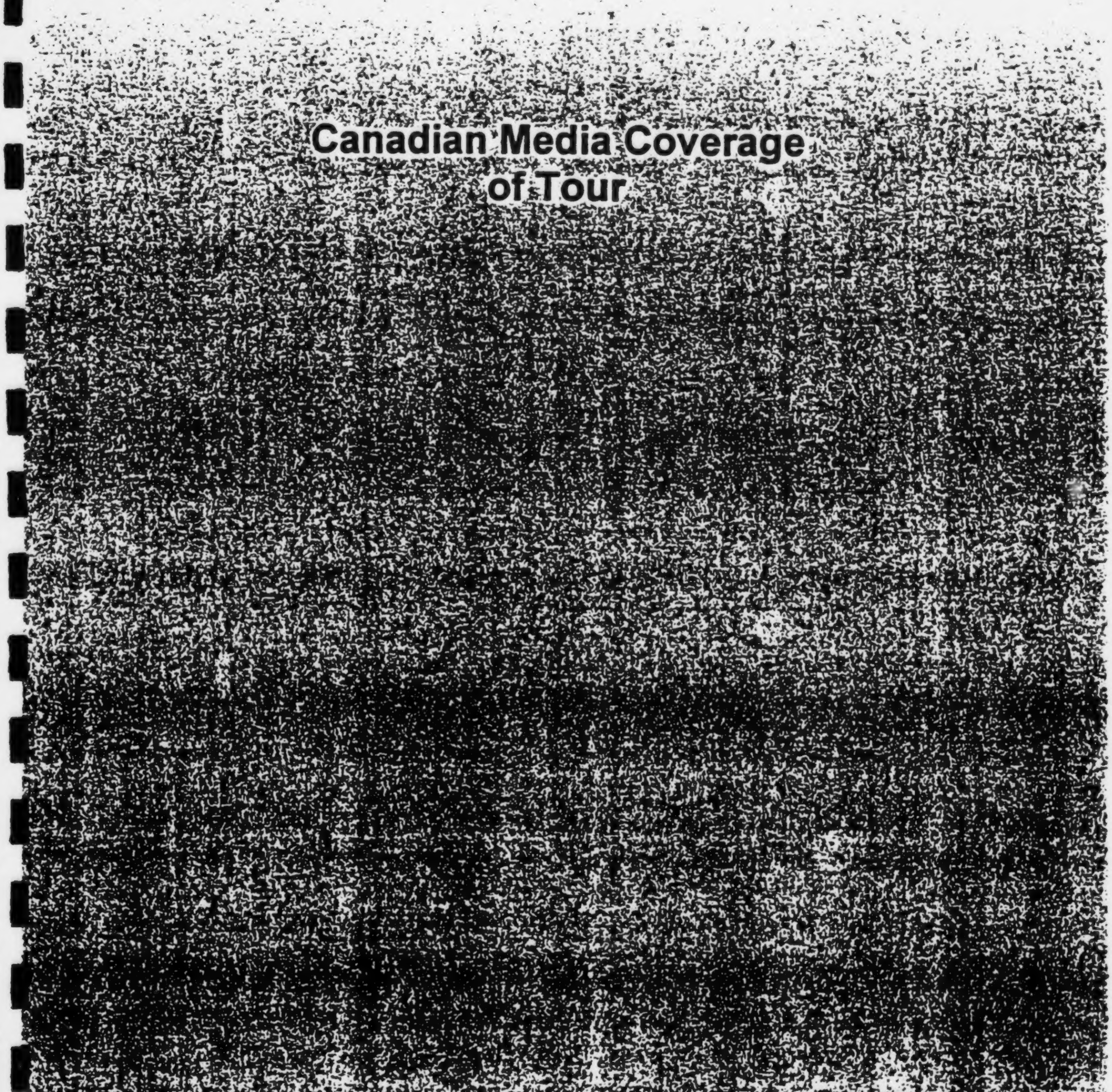
Several Canadian companies have invested in the Colombian oil and gas industry, where some 70 trade union leaders have been killed in the last 10 years.

"The sectors where unionists have been hit hardest — oil and gas and telecommunications — are precisely those sectors where Canadian trade and investment have been the greatest," said Ken Luckhardt, a researcher with the Canadian Auto Workers union.

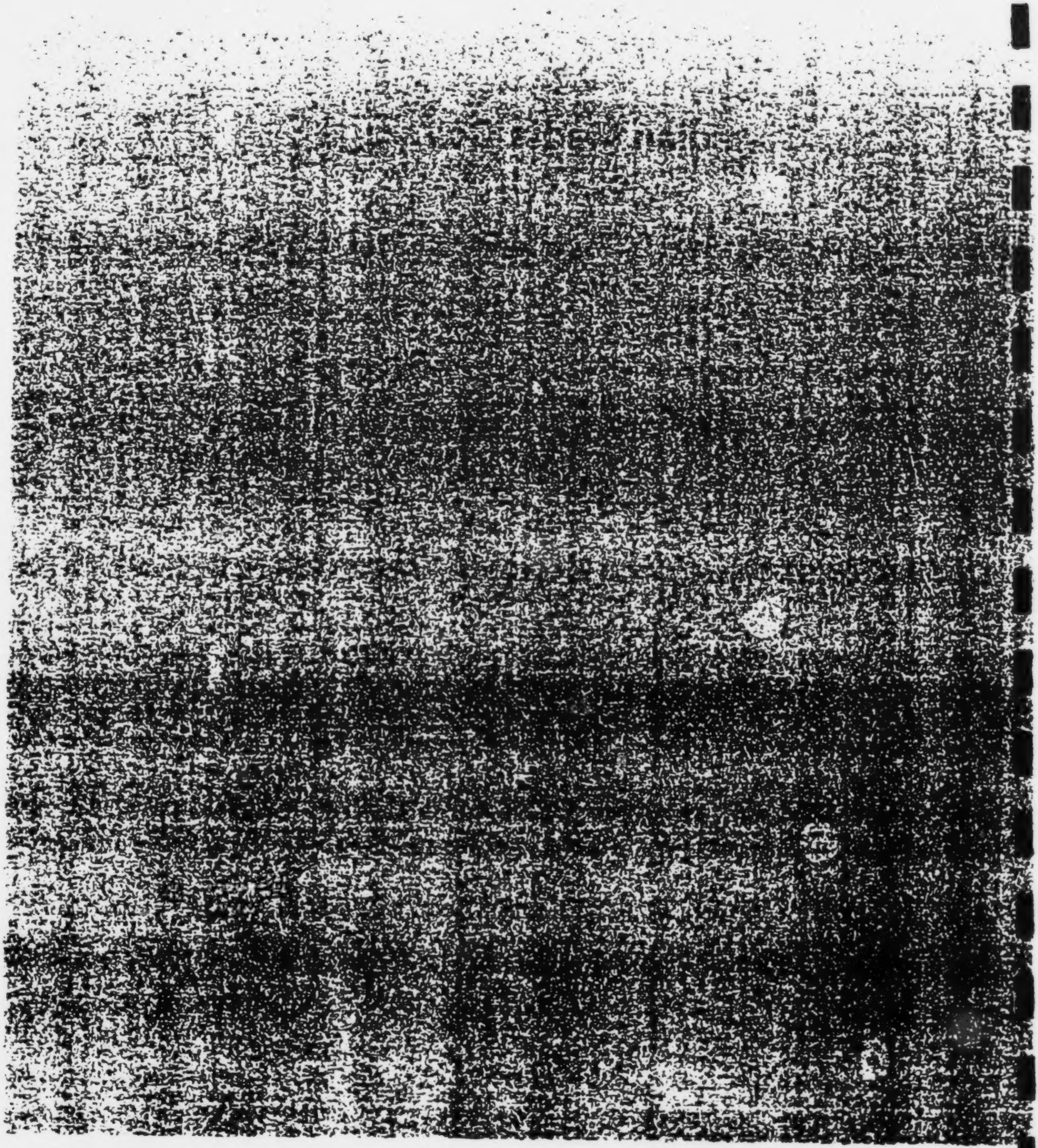
"We left that country 10 days ago realizing the level of trade union repression in Colombia is greater than it ever was in the darkest days of (South African) apartheid," Luckhardt said.

The terror campaign is designed to quash labour unrest in the very industries Canadians are being encouraged to invest in.

APPENDIX 3



Canadian Media Coverage of Tour



Minister of Foreign Affairs
Ministre des Affaires étrangères

Ottawa, Canada K1A 0G2

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Mr. Joe Gunn
Co-chair
Inter-Church Committee on Human Rights
in Latin America (ICCHRLA)
129 St. Clair Avenue West
Toronto, Ontario
M4V 1N5

Dear Mr. Gunn: Joe

Thank you for your letter of November 26, 1997, in which you make specific requests for action by the Government of Canada with respect to human rights violations in Colombia.

It was most timely and informative for me to have met in October with the union leaders who had just returned from their visit to Colombia. I was impressed by the initiative they took in establishing links with Colombian unions, and by their first hand account of the problems union members face in Colombia. Unions are an important component in the social fabric of a democratic society. Their role is fundamental to a democratic state.

You have requested that the embassy in Bogota be instructed to continue to enhance efforts to promote human rights in Colombia. The embassy is committed to continuing all efforts to promote a better understanding of and respect for human rights. Four field visits in support of human rights NGO groups have taken place this year to the Department of Meta, the Magdalena Medio region, the Urabà, and to the Department of Putumayo. These visits entail a considerable degree of danger as the areas in question are the most violent and lawless in Colombia. We will of course continue to monitor events and to take every opportunity to respond to each human rights request as we have done in the past.

.../2

We are consistent in addressing human rights abuses through international organizations such as the Organization of American States and the United Nations. Embassy officials in Bogota also liaise at every opportunity with like minded countries on the topic of human rights. We have funded projects in the amount of $1.5 million which lend institutional support to four local human rights NGOs in Bogota. We have financed support to the regional International Humanitarian Law Programme of the International Committee of the Red Cross (ICRC) and, in 1997, we donated $500,000 for special support for the activities of the ICRC in Colombia. Also, the Canada Fund has a large component for human rights spending. For example, we helped finance this year's "Mandato Ciudadano por la Paz", which I understand was a tremendous success with up to 10 million citizens expressing their desire for peace in tandem with the elections which took place in October. We strongly supported the establishment of the United Nations Human Rights Office in Bogota and are impressed with the work it is doing.

The Department of Citizenship and Immigration is carefully considering designating Colombia as a Source Country. This would permit potential refugee claimants to apply in Bogota rather than a third country as is currently the practice. I would like to point out that the embassy receives only a few requests of this kind each year and that the mechanism of sending applicants to a third country has indeed proved workable. We support the possibility of a greater United Nations High Commission for Refugees presence in Colombia which is currently under consideration. An increase in their presence would likely impact positively on the situation and also establish a broadly accepted framework for the processing of refugee claims.

Allow me to clarify any misunderstanding that may have arisen with respect to "assurances" given in the House of Commons to Mr. Preston Manning in June 1994 to the effect that Bell Textron helicopters would be used for "rescue and humanitarian relief". I took the liberty of checking Hansard to note what exactly had been said by Mr. Flis on June 8, 1994. The response to the question by Mr. Manning was as follows: "I am pleased to notify the Honourable Member that these helicopters are certified as civil by Transport Canada. They are not certified as military helicopters. This was raised in our foreign affairs policy review by some witnesses. It came out that some of these helicopters will be used to fight against the drug trade which is affecting our society in Canada. The Honourable Member also knows the country has just gone through an earthquake so these helicopters will come in handy for rescue and humanitarian relief."

.../3

On the topic of helicopters, the particular model of helicopter in question is classified as civilian, and is used by both the military and police anti-narcotics squad as a transport aircraft. With respect to our export controls, they are based on goods, not on the end user. If the goods are specifically designed for military use they are controlled and need a permit regardless of the end user. Neither Canada nor any other country requires permits or licenses for the export of civilian certified helicopters. It is the responsibility of the Department of Foreign Affairs and International Trade to administer the law; the law gives our officials neither the right nor the responsibility to check up on the use of goods whose sale is not subject to Canadian government control.

Given the special concerns of ICCHRLA, we agreed to request from the Bell Textron agent in Colombia further information regarding the sale of the Bell equipment in 1994. The agent confirmed that the equipment remains in the hands of its original consignees, the Air Force and the Police. Given the private nature of this sale, I do not consider that I have a responsibility or right to instruct departmental officials to pursue these enquiries further; I would suggest that they have fully carried out their duty on this case.

The pursuit of trade and respect for human rights are not incompatible, in fact they are complementary goals. Trade is an essential part of Colombia's development, and with improving living standards comes a larger middle class that will call for democratization and increased respect for the rule of law. We must also take into consideration that the security and economic interests of Canadians depend on the health and stability of the international order, which relies on democracy, human rights, and multilateral cooperation.

Human rights violations in Colombia remain important Canadian concerns. I personally raised the issue of human rights with Foreign Minister Mejia during our bilateral meetings in Ottawa last October. The first item on the agenda was the issue of human rights and good governance. I took the opportunity to express my deep concern at the increase in violence and the upsurge in paramilitary activities. I communicated the need for the Government of Colombia to take steps to bring an early and peaceful end to the violence. I also expressed our interest in knowing more about the new peace plan and eventual international participation. The Government of Canada is prepared to consider involvement in the implementation of the peace process, with the consent of all of the parties, and at the appropriate time. We will continue to maintain dialogue with Colombian officials on this issue at every opportunity.

.../4

We do share your concerns regarding the plight of human rights workers, the rise in paramilitarism and their links with the armed forces. The deteriorating human rights situation in Colombia has translated into more effort on the part of our officials to monitor abuses and to continue to press the Government of Colombia to address human rights violations.

Sincerely,

Lloyd

Lloyd Axworthy

INTER-CHURCH COMMITTEE
ON HUMAN RIGHTS
IN LATIN AMERICA

LE COMITE INTER-EGLIS
DES DROITS HUMAI
EN AMERIQUE LATI

129 St. Clair Ave. West, Toronto, Ontario, Canada M4V 1N5 Tel. (416) 921-0801 Fax (416) 921-3843

November 26, 1997

Hon. Lloyd Axworthy
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, Ontario, K1A 0G2

Dear Mr. Axworthy:

I am writing to thank you, on behalf of the members of ICCHRLA, for having made time to meet with our delegation last month. As you will have gathered from the meeting, the human rights situation in Colombia is a growing and urgent concern to many Canadians in the Churches and trade unions.

As it is a concern to Canadians, Colombia is also becoming a focus of increasing international attention. In addition to the work we will continue to do within Canada to make the Canadian public aware of Colombia's human rights emergency, both the trade union and Church sectors in Canada are involved in several international initiatives focusing on Colombia. Shortly after our meeting with you, a representative of the Canadian Labour Congress, one of the organizations which participated in our mission, traveled to Colombia as part of a special mission of the International Confederation of Free Trade Unions. This delegation was sent in response to the growing attacks against Colombia's trade union sector. Canadian churches are also in close contact with the World Council of Churches, which will be sending a mission to Colombia this month, and Caritas International, which will sponsor a delegation in early 1998. Both organizations are engaged in supporting efforts to reach a negotiated political settlement to the armed conflict which has ravaged Colombia for four decades.

As our committee urged in our October 1 letter, we would like the government of Canada to play a more active role vis-à-vis Colombia. We call on you, once again, to use your leadership and influence to press for concerted international attention to address what is undoubtedly one of the most critical human rights situations in the Americas.

On behalf of our committee and the members of our delegation, I would like to reiterate some of the main points we raised during the meeting and our recommendations for Canadian government action.

1. As we noted, we appreciate the increased level of activity demonstrated by our embassy in Bogotá with respect to some of our human rights concerns. We note in particular the efforts of Ambassador Ross and First Secretary Nick Coghlan, and reiterate the importance to our partners of the visible and active presence of embassy staff in relation to human rights issues. Nick Coghlan's visits to the departments of Meta, Santander and Antioquia (where, amongst other things, he conducted interviews with survivors of a massacre perpetrated by paramilitary agents and met with several of our partners who have faced death threats) and, more recently, his visit to the region of Urabá, are just a few examples of a more visible and active presence by the embassy which we welcome. **We therefore ask that the embassy be instructed to continue and enhance these efforts.**

"Porque Dios no nos dió un espíritu de timidez, sino un espíritu de fortaleza, de amor y de buen juicio" 2ª Timoteo

2. The human rights emergency in Colombia is resulting in increasing refugee flows and massive internal displacement. In many cases, the "internal flight option" is not viable and does not provide safety for those whose lives have been threatened. Moreover, in some cases, refugees fleeing to adjacent countries have been faced with forced repatriation or continued threats as members of paramilitary groups have followed them across the border (as in the case of Panama). In other cases, they have been victims of further abuses at the hands of the state security forces of neighbouring countries (as in the cases of Ecuador and Venezuela). Therefore, while making every effort to address the root causes, **we call on Canada to develop a special program, similar to those previously established in El Salvador and Guatemala, to quickly expedite urgent cases of persons or families whose lives are in danger.** In this regard, we were encouraged by your expressed commitment to give consideration to our urgent request.

3. We remain profoundly concerned that, with the active support of the government of Canada, at least twelve Canadian-made helicopters have been sold to, and are currently being used by Colombia's national police and armed forces – both of which have been implicated in grave human rights violations. The "Guide for Canadian Exporters and Investors", issued by your Ministry in February of this year, states, with regard to these aircraft, that "there should be opportunities for [Canadian] companies in the maintenance and overhaul fields. Moreover, there will be a continual requirement for helicopters on the part of the Defence Ministry which the Commercial Section of the Embassy in Bogotá will continue to monitor". Disturbingly, the document also refers to additional future opportunities to provide the Colombian armed forces with fixed-wing aircraft and training simulators.

You will recall that when the issue of helicopter sales was raised in the House of Commons by Mr. Preston Manning on June 8, 1994 , the response of the Canadian government was that they would be used for "rescue and humanitarian relief". While in Colombia, our delegation was deeply disturbed that Canadian embassy officials were unable to inform us to what use or even where the helicopters were being deployed. Most alarming, Canadian officials were unable to provide any guarantees that, although the helicopters were classified – inappropriately, we believe, in view of their end user – as "civilian" by Transport Canada, they had not been subsequently fitted with offensive military equipment after leaving Canada. As we informed you, while in Colombia, members of our delegation observed two Bell 212 helicopters in camouflage paint – normally reserved for military purposes and not humanitarian relief.

The Colombian case reveals the urgent need to revise Canada's Export Controls to ensure that Canadian made equipment – regardless of whether it is technically classified as "military" or "civilian" – does not see military end use in countries which have a persistent record of serious violations of the rights of their citizens. **We therefore urge you to bring forward the necessary legislative changes to ensure that all Canadian equipment exported for military end use is subject to export control and that no such equipment is exported to human rights violators. In the meanwhile, we call on you to ensure that there will be no further sales at this time of Canadian made helicopters or any other equipment to the Colombian police and armed forces. We further urge you to establish effective end use monitoring mechanisms to verify the types of operations in which the Canadian helicopters previously sold to the Colombian police and armed forces are being used and urge you to ensure that no unit which has been implicated in human rights violations has access to this equipment. Finally, we urge that this information be made public.**

4. There has been a dramatic escalation of paramilitary violence during the Samper government. It is clear from our most recent visit, as well as in previous missions, that senior levels of Colombia's armed forces are actively supporting paramilitary death squads. Colombia's President has repeatedly been called on by the OAS and UN to combat these groups and to remove from active duty those members of the armed forces who are providing them with support or who, themselves, are directly implicated in human rights violations. **We call on you to raise this issue directly with the Colombian government and to press the Colombian authorities to take decisive action on these crucial human rights concerns.**

5. Several countries have offered their support of efforts to bring an end to the internal armed conflict in Colombia. **We urge Canada to take an active role in accompanying and supporting a broadly-based and inclusive peace process.**

6. **We urge the government of Canada to use its voice in international fora such as the Organization of American States and the United Nations General Assembly and Commission on Human Rights to forcefully denounce the gross and systematic violations of human rights perpetrated by Colombian state agents and their paramilitary allies.**

Once again, we thank you for agreeing to meet with us, for your attention to our recommendations for Canadian action, and we look forward to your response.

Yours sincerely,

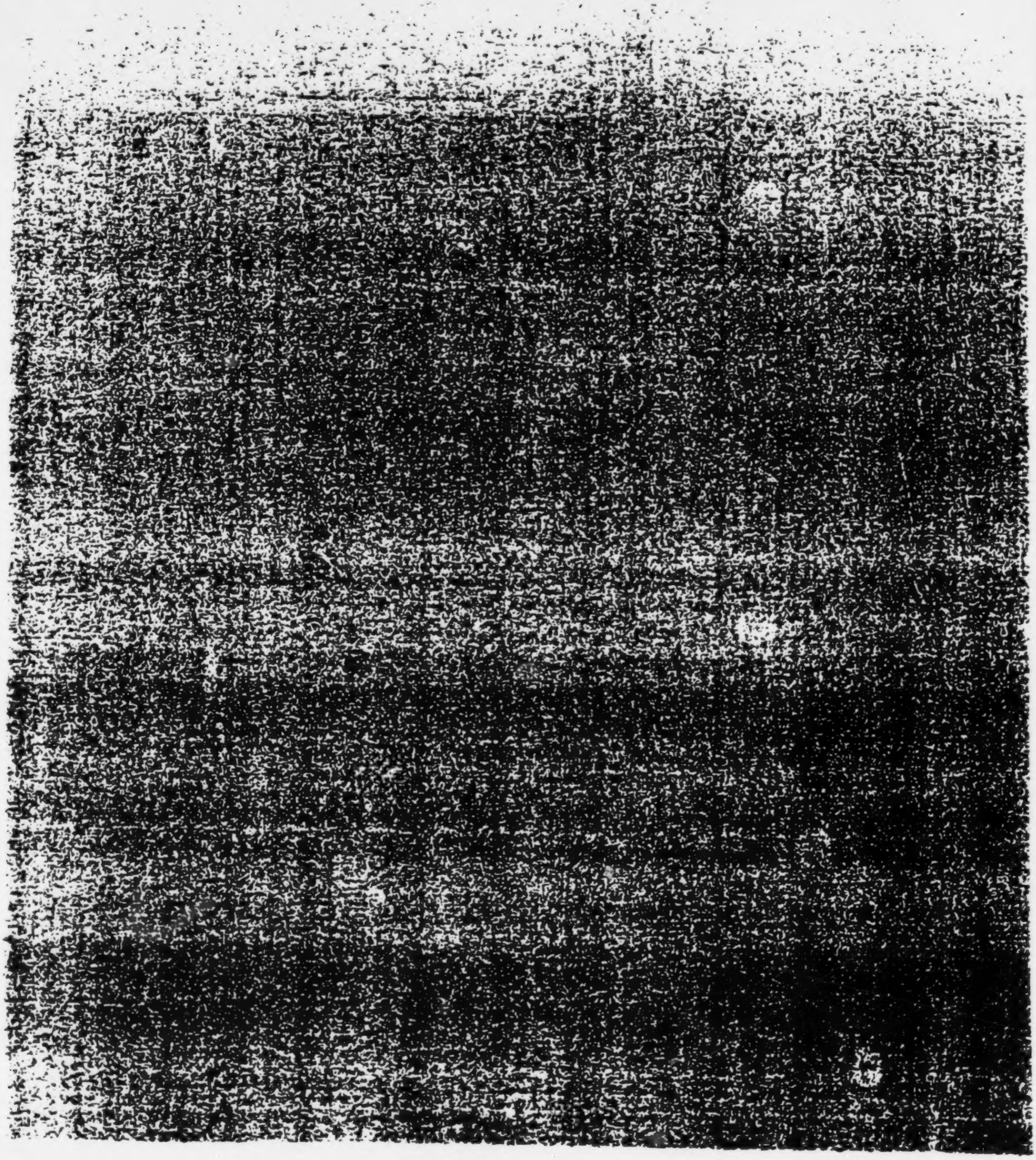
J.G

Joe Gunn
Co-chair, ICCHRLA

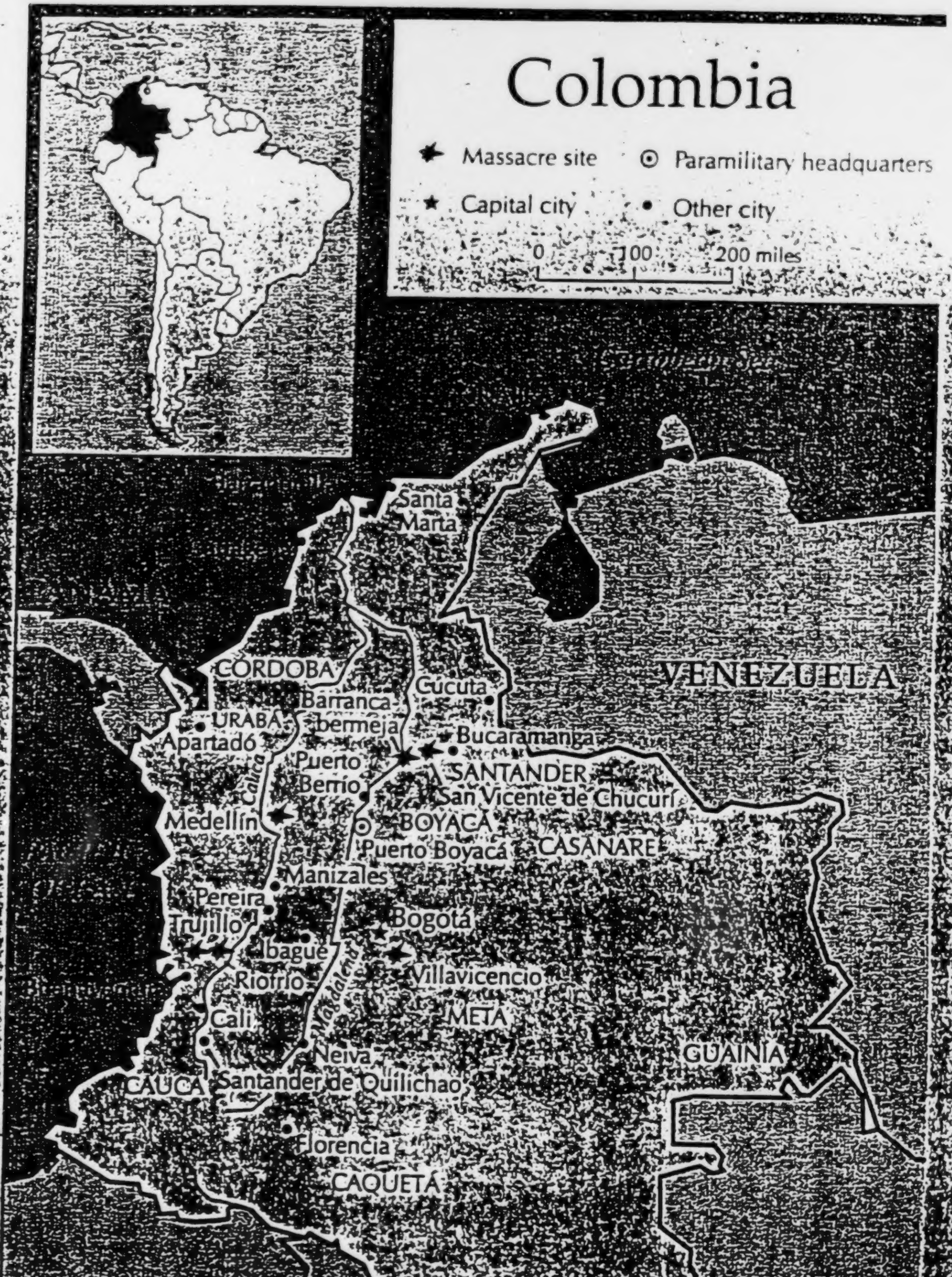
cc. Hon. Sergio Marchi
Hon. David Kilgour
Hon. Lucienne Robillard
Ambassador William Ross
Mr. Nick Coghlan
Ms. Sharon O'Regan
Ms. Adèle Dion
Mr. Preston Manning, MP
Mr. Bill Graham, MP
Mr. Svend Robinson, MP
Ms. Maud Debien, MP
members of ICCHRLA delegation

APPENDIX 2

Correspondence between ICCHRLA
and
Mr. Lloyd Axworthy
Minister of Foreign Affairs, Canada



APPENDIX I


Colombia
Massacre site
Paramilitary headquarters
Capital city
Other city
0
100
200 miles
Caribbean Sea
Santa Marta
CORDOBA
Cúcuta
Barrancabermeja
URABA
Apartadó
Bucaramanga
Puerto Berrío
SANTANDER
San Vicente de Chucurí
Cauca
Medellín
BOYACÁ
Puerto Boyacá
CASANARE
VENEZUELA
Manizales
Pereira
Trujillo
Bogotá
Ibagué
Riofrío
Magdalena
Villavicencio
Cali
META
Neiva
GUAINÍA
CAUCA
Santander de Quilichao
Florencia
CAQUETÁ
ECUADOR
BRAZIL
Putumayo

We recommend that a *"clean flowers"* campaign be investigated by the Canadian Labour Congress and its affiliates (especially those with international labour funds), NGOs, church and human rights groups, and that this campaign be coordinated with CACTUS, a well-established Colombian NGO that does solidarity and organizing work with women flower workers just outside of Bogota.

***STRENGTHENING THE WOMEN'S SECTION OF THE CUT

We met with the Women's Department of the CUT on several occasions during our stay in Bogota. The Women's Section has struggled to have their collective voice heard within the predominantly male and commonly chauvinist Colombian labour movement.

One very practical act of solidarity would be to financially assist the CUT Women's Section in recruiting women labour activists from outside Bogota to attend their well-designed four week women's training program. To date, most of the participants have been restricted to those living in or near Bogota because of limited financial resources for travel and accommodation. We were told that US$200 would cover the cost of a participant in this four-week program.

This is a very important initiative insofar as women in the public sector, especially in education, are clearly targeted by reactionary and violent elements in Colombian society. Their resolve to carry on the struggle for collective rights through the labour movement will be greatly enhanced the more they are able to participate in women's training programs such as that offered by the CUT Women's Department.

Of course, we also encourage exchanges of Canadian and Colombian trade union sisters whenever the opportunity arises. The next CUT Women's Conference will be held in the Summer of 1998, and we were asked to ensure that Canadian trade union sisters participate in this conference.

***HUMAN RIGHTS WORK: SUPPORTING INDIGENOUS AND AFRO-COLOMBIAN COMMUNITIES

Two distinct Colombian communities that have become caught up in the patterns of violence deserve unconditional support from the international community. The indigenous Colombian community has been the subject of tremendous intimidation, dislocation and death as a result of their refusal to surrender traditional lands to satisfy the interests of Colombian and foreign capital interests, especially in the mining and energy resource sectors.

The U'wa indigenous community, for example, is currently in a struggle with Occidental Petroleum and the Colombian state over competing claims to their land rights and the sub-soil resources. The U'wa have threatened to commit collective suicide if their historic indigenous rights are not respected.

Similarly, the Afro-Colombian minority has historically been a very peaceful community residing and working primarily in northwest regions of Colombia, in the Departments of Antioquia and Choco. They have been a central part of the agricultural workforce in the Uraba region of Antioquia for decades. Owing to the violence which has plagued that area in recent years (as explained above), the Afro-Colombian community has now become part of the statistics of death that passes for everyday life in that region of the country.

These two communities would greatly benefit from increased international exposure to their struggles. The Canadian labour movement should begin to develop working relations with indigenous groups and Afro-Colombian organizations in Colombia to advance the specific aspirations of both of these uniquely oppressed groups.

***SUPPORT FOR PEACE INITIATIVES

Along with Canadian churches, human rights and NGOs involved with Colombia, the Canadian labour movement should make every effort to provide political and practical support for legitimate peace initiatives undertaken by Colombian and/or international actors. For example, the petroleum workers' union USO has pledged to campaign for a national peace process that would involve broad sectors of civil society. If this or similar initiatives gain momentum, the international trade union community will surely be able to play a valuable role in achieving what the majority of Colombians most desperately desire, peace and justice.

***SECTORAL SOLIDARITY

At a certain point in the development of international trade union solidarity work, it is important to encourage sectoral relationships between Canadian and Colombian unions. It is perhaps premature to do anything more than mention this possibility at this point in time insofar as our delegation was not as representative of the breadth of Canadian labour as it might have been and because we do not want to be presumptuous in recommending any specific sectoral relationships.

However, suffice it to say that direct ties already exist through international and national trade union centrals between Canada and Colombia. For example, the CLC International Affairs Department was represented on as an ICFTU delegation that visited Colombia just after our delegation returned to Canada. Additionally, there is great scope for sectoral relationships to be established between Canadian and Colombian unions in education, mining, energy, telecommunications, auto and food/beverage, amongst others..

At this point in time we believe that Canadian unions should respond at the broadest level of political solidarity with their brothers and sisters in Colombia. The sectoral relationships will evolve after we firstly establish as an understanding of the horrendous plight facing all Colombian unions and workers.

In sum, the Colombian trade union crisis is one which all of Canadian labour must understand and respond to with the greatest level of solidarity possible. Public and private sector unions alike, unions large and small, have a role to play, and we hope that our delegation has laid the foundation for the future solidarity that is so urgent!

In solidarity,

John Bird (United Church journalist)
Bill Fairbairn (ICCHRLA)
Carl Hetu (CCODP, CSN)
Rick Kitchen (CAW)
Ken Luckhardt (CAW)
David Onyalo (CLC)
Don Schmidt (OECTA)
Paul Smith (OECTA)

Appendix I	Map of Colombia
Appendix 2	Correspondence between ICCHRLA and Mr. Lloyd Axworthy, Minister of Foreign Affairs, Canada
Appendix 3	Canadian Media Coverage of Tour
Appendix 4	Letter of Forced Resignation from SINALTRAINAL

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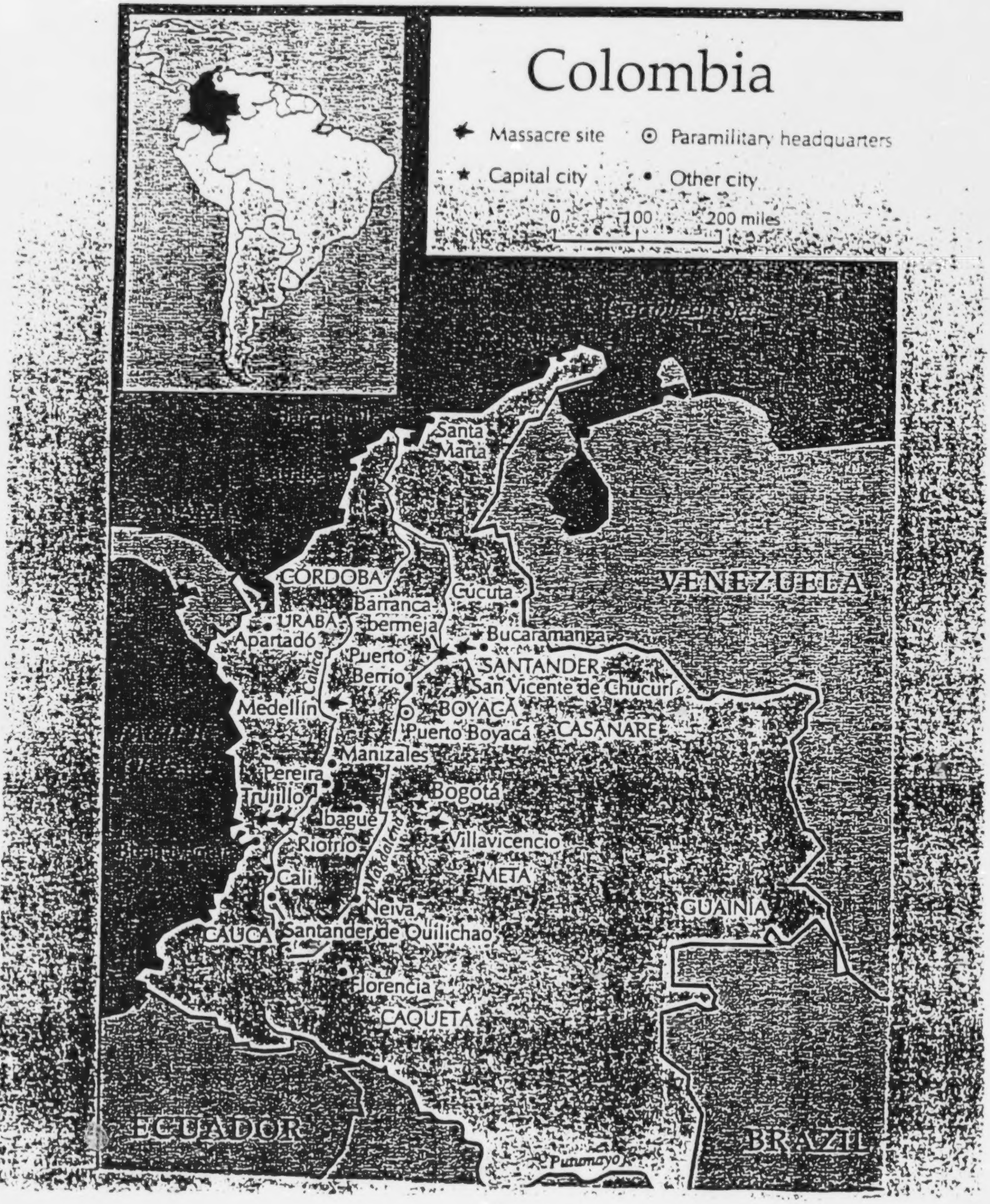
APPENDIX I


Colombia
Massacre site
Paramilitary headquarters
Capital city
Other city
0
100
200 miles
Caribbean Sea
Santa Marta
CORDOBA
URABA
Apartadó
Barrancabermeja
Puerto Berrio
Cúcuta
Bucaramanga
SANTANDER
San Vicente de Chucurí
Medellín
BOYACA
Puerto Boyacá
CASANARE
Manizales
Pereira
Trujillo
Bogotá
Ibagué
Riofrío
Villavicencio
Cali
META
Neiva
GUAINIA
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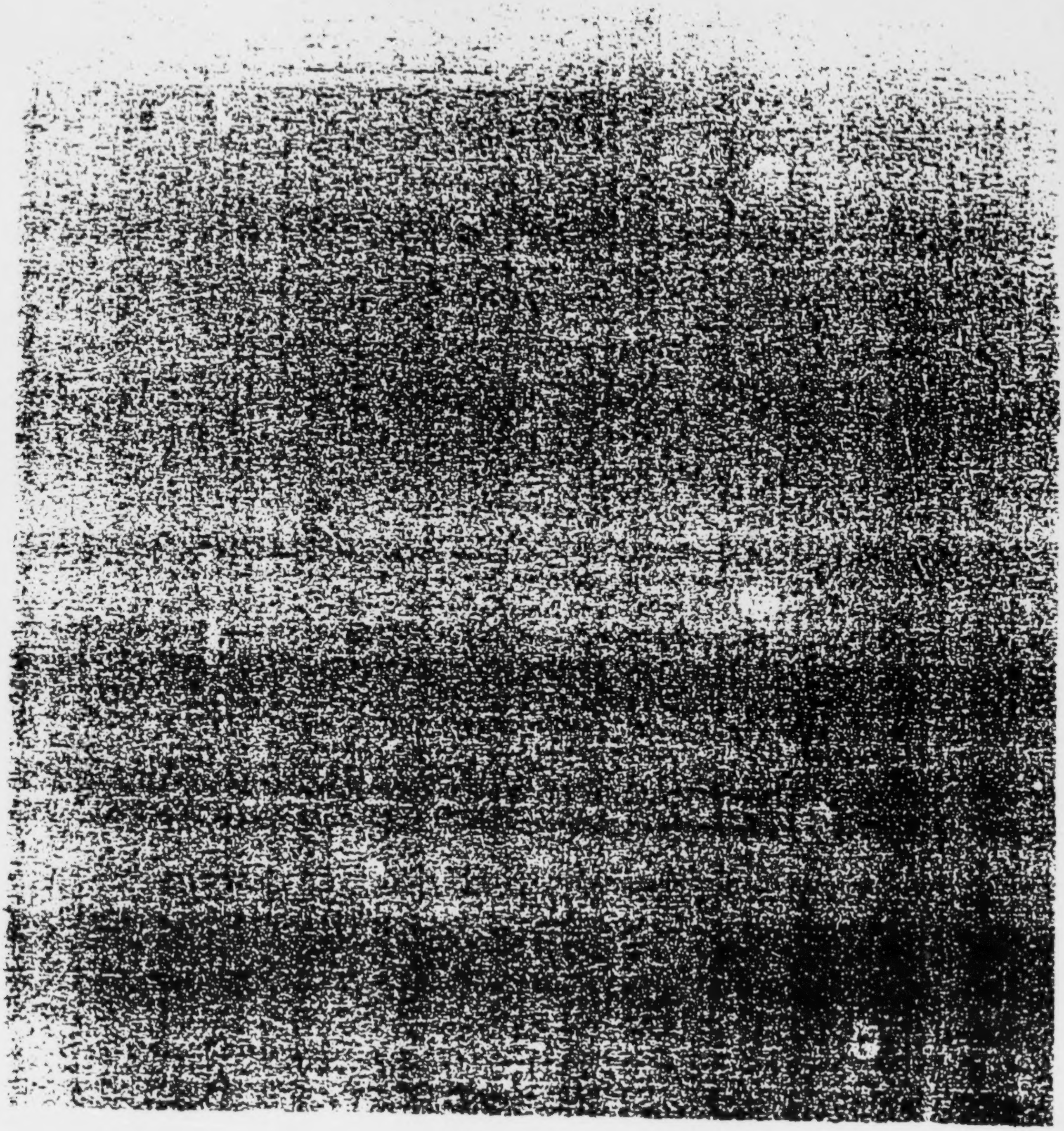
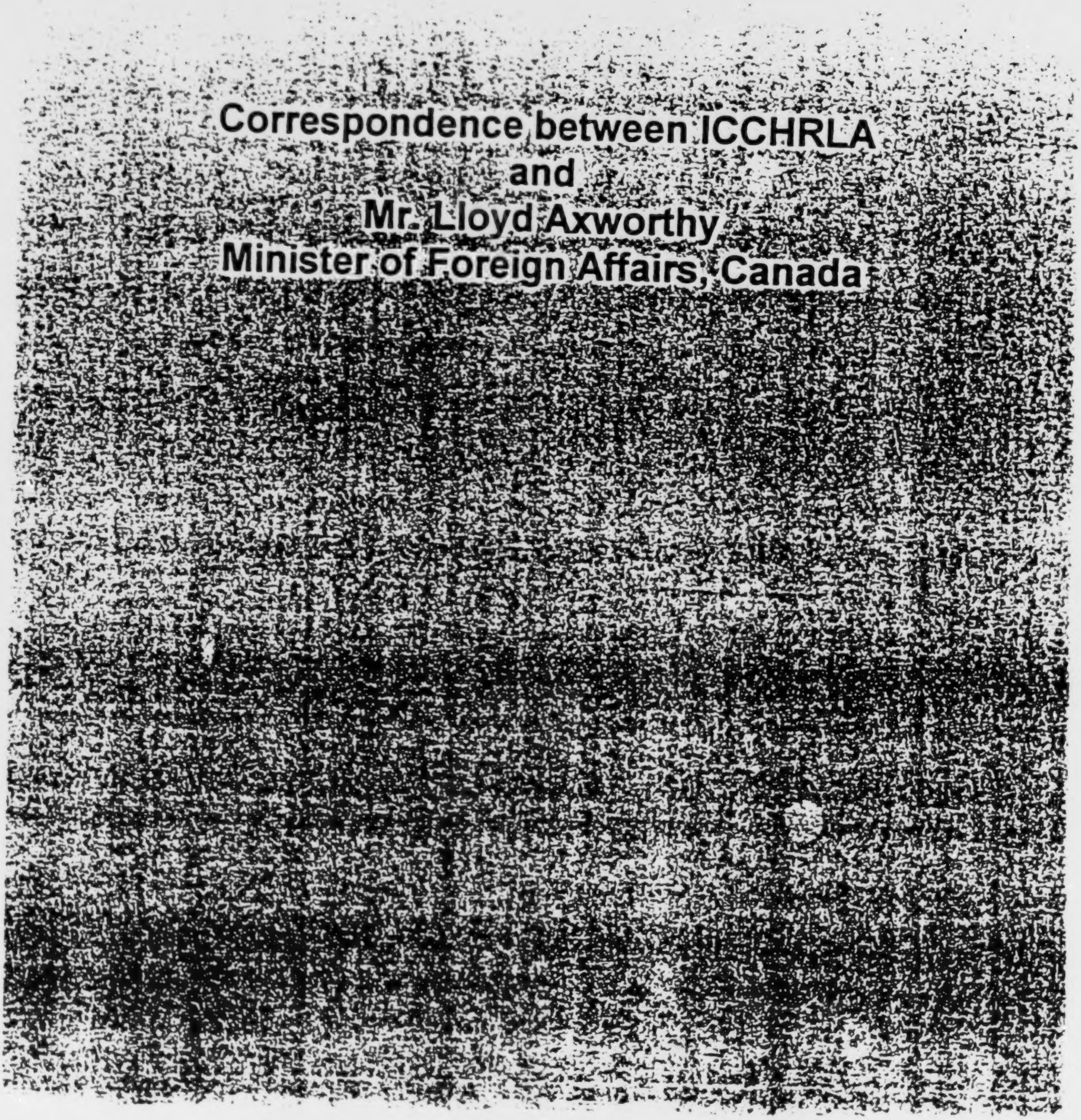
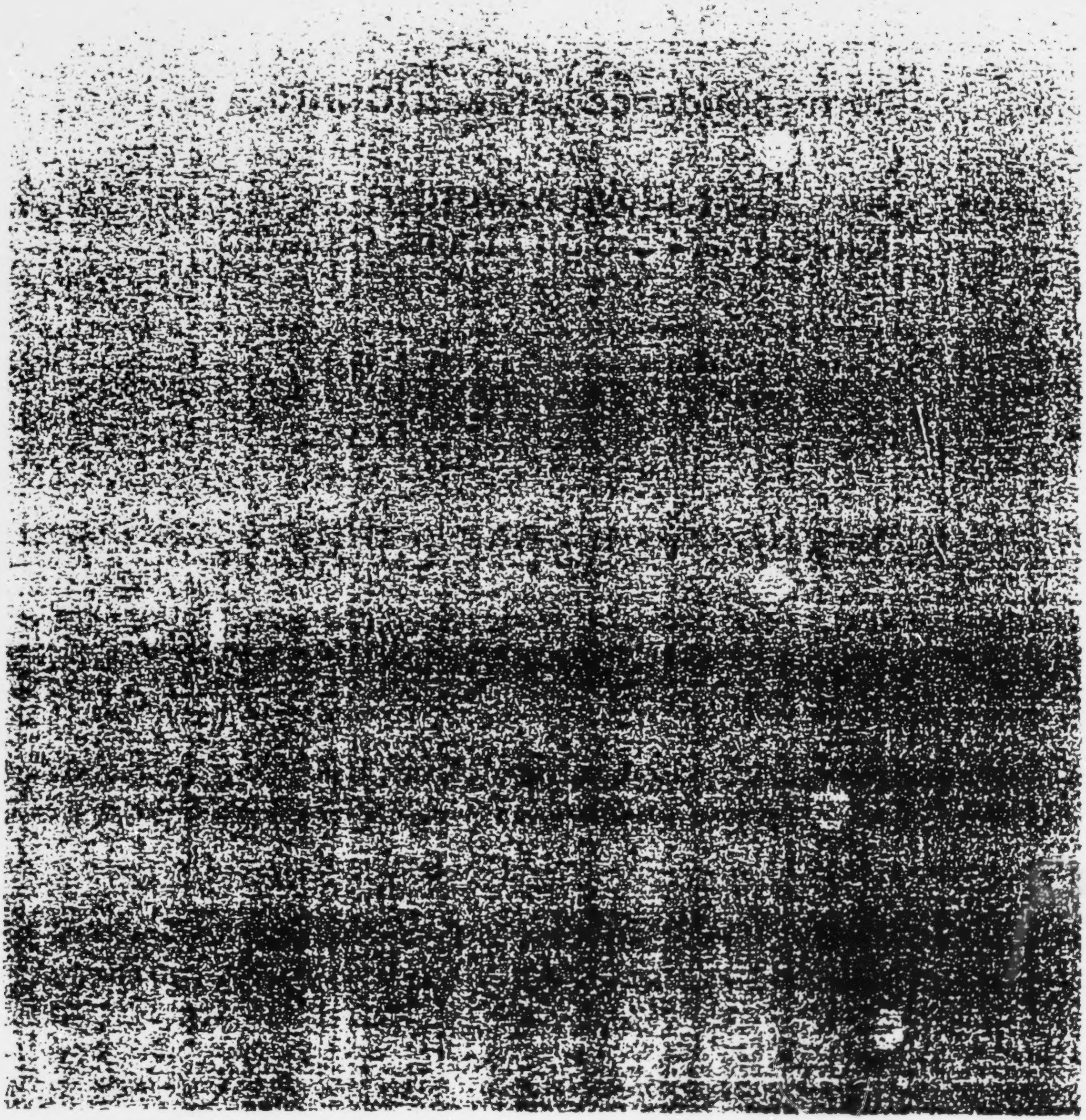


APPENDIX 2



Correspondence between ICCHRLA and Mr. Lloyd Axworthy Minister of Foreign Affairs, Canada



INTER-CHURCH COMMITTEE
ON HUMAN RIGHTS
IN LATIN AMERICA

LE COMITE INTER-EGLIS
DES DROITS HUMAI
EN AMERIQUE LATI

129 St. Clair Ave. West, Toronto, Ontario, Canada M4V 1N5 Tel. (416) 921-0801 Fax (416) 921-3843

November 26, 1997

Hon. Lloyd Axworthy
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, Ontario, K1A 0G2

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"Porque Dios no nos dió un espiritu de timidez, sino un espiritu de fortaleza, de amor y de buen juicio" 2ªTimoteo

2. The human rights emergency in Colombia is resulting in increasing refugee flows and massive internal displacement. In many cases, the "internal flight option" is not viable and does not provide safety for those whose lives have been threatened. Moreover, in some cases, refugees fleeing to adjacent countries have been faced with forced repatriation or continued threats as members of paramilitary groups have followed them across the border (as in the case of Panama). In other cases, they have been victims of further abuses at the hands of the state security forces of neighbouring countries (as in the cases of Ecuador and Venezuela). Therefore, while making every effort to address the root causes, **we call on Canada to develop a special program, similar to those previously established in El Salvador and Guatemala, to quickly expedite urgent cases of persons or families whose lives are in danger.** In this regard, we were encouraged by your expressed commitment to give consideration to our urgent request.

3. We remain profoundly concerned that, with the active support of the government of Canada, at least twelve Canadian-made helicopters have been sold to, and are currently being used by Colombia's national police and armed forces – both of which have been implicated in grave human rights violations. The "Guide for Canadian Exporters and Investors", issued by your Ministry in February of this year, states, with regard to these aircraft, that "there should be opportunities for [Canadian] companies in the maintenance and overhaul fields. Moreover, there will be a continual requirement for helicopters on the part of the Defence Ministry which the Commercial Section of the Embassy in Bogotá will continue to monitor". Disturbingly, the document also refers to additional future opportunities to provide the Colombian armed forces with fixed-wing aircraft and training simulators.

   You will recall that when the issue of helicopter sales was raised in the House of Commons by Mr. Preston Manning on June 8, 1994 , the response of the Canadian government was that they would be used for "rescue and humanitarian relief". While in Colombia, our delegation was deeply disturbed that Canadian embassy officials were unable to inform us to what use or even where the helicopters were being deployed. Most alarming, Canadian officials were unable to provide any guarantees that, although the helicopters were classified – inappropriately, we believe, in view of their end user – as "civilian" by Transport Canada, they had not been subsequently fitted with offensive military equipment after leaving Canada. As we informed you, while in Colombia, members of our delegation observed two Bell 212 helicopters in camouflage paint – normally reserved for military purposes and not humanitarian relief.

   The Colombian case reveals the urgent need to revise Canada's Export Controls to ensure that Canadian made equipment – regardless of whether it is technically classified as "military" or "civilian" – does not see military end use in countries which have a persistent record of serious violations of the rights of their citizens. **We therefore urge you to bring forward the necessary legislative changes to ensure that all Canadian equipment exported for military end use is subject to export control and that no such equipment is exported to human rights violators. In the meanwhile, we call on you to ensure that there will be no further sales at this time of Canadian made helicopters or any other equipment to the Colombian police and armed forces. We further urge you to establish effective end use monitoring mechanisms to verify the types of operations in which the Canadian helicopters previously sold to the Colombian police and armed forces are being used and urge you to ensure that no unit which has been implicated in human rights violations has access to this equipment. Finally, we urge that this information be made public.**

4. There has been a dramatic escalation of paramilitary violence during the Samper government. It is clear from our most recent visit, as well as in previous missions, that senior levels of Colombia's armed forces are actively supporting paramilitary death squads. Colombia's President has repeatedly been called on by the OAS and UN to combat these groups and to remove from active duty those members of the armed forces who are providing them with support or who, themselves, are directly implicated in human rights violations. **We call on you to raise this issue directly with the Colombian government and to press the Colombian authorities to take decisive action on these crucial human rights concerns.**

5. Several countries have offered their support of efforts to bring an end to the internal armed conflict in Colombia. **We urge Canada to take an active role in accompanying and supporting a broadly-based and inclusive peace process.**

6. **We urge the government of Canada to use its voice in international fora such as the Organization of American States and the United Nations General Assembly and Commission on Human Rights to forcefully denounce the gross and systematic violations of human rights perpetrated by Colombian state agents and their paramilitary allies.**

Once again, we thank you for agreeing to meet with us, for your attention to our recommendations for Canadian action, and we look forward to your response.

Yours sincerely,

J.G

Joe Gunn
Co-chair, ICCHRLA

cc.
Hon. Sergio Marchi
Hon. David Kilgour
Hon. Lucienne Robillard
Ambassador William Ross
Mr. Nick Coghlan
Ms. Sharon O'Regan
Ms. Adèle Dion
Mr. Preston Manning, MP
Mr. Bill Graham, MP
Mr. Svend Robinson, MP
Ms. Maud Debien, MP
members of ICCHRLA delegation

Minister of Foreign Affairs Ministre des Affaires étrangères
Ottawa, Canada K1A 0G2

FEB 0 2 1998

JAN 2 7 1998

Mr. Joe Gunn
Co-chair
Inter-Church Committee on Human Rights
in Latin America (ICCHRLA)
129 St. Clair Avenue West
Toronto, Ontario
M4V 1N5

Dear ~~Mr. Gunn~~ Joe:

Thank you for your letter of November 26, 1997, in which you make specific requests for action by the Government of Canada with respect to human rights violations in Colombia.

It was most timely and informative for me to have met in October with the union leaders who had just returned from their visit to Colombia. I was impressed by the initiative they took in establishing links with Colombian unions, and by their first hand account of the problems union members face in Colombia. Unions are an important component in the social fabric of a democratic society. Their role is fundamental to a democratic state.

You have requested that the embassy in Bogota be instructed to continue to enhance efforts to promote human rights in Colombia. The embassy is committed to continuing all efforts to promote a better understanding of and respect for human rights. Four field visits in support of human rights NGO groups have taken place this year to the Department of Meta, the Magdalena Medio region, the Urabà, and to the Department of Putumayo. These visits entail a considerable degree of danger as the areas in question are the most violent and lawless in Colombia. We will of course continue to monitor events and to take every opportunity to respond to each human rights request as we have done in the past.

.../2

We are consistent in addressing human rights abuses through international organizations such as the Organization of American States and the United Nations. Embassy officials in Bogota also liaise at every opportunity with like minded countries on the topic of human rights. We have funded projects in the amount of $1.5 million which lend institutional support to four local human rights NGOs in Bogota. We have financed support to the regional International Humanitarian Law Programme of the International Committee of the Red Cross (ICRC) and, in 1997, we donated $500,000 for special support for the activities of the ICRC in Colombia. Also, the Canada Fund has a large component for human rights spending. For example, we helped finance this year's "Mandato Ciudadano por la Paz", which I understand was a tremendous success with up to 10 million citizens expressing their desire for peace in tandem with the elections which took place in October. We strongly supported the establishment of the United Nations Human Rights Office in Bogota and are impressed with the work it is doing.

The Department of Citizenship and Immigration is carefully considering designating Colombia as a Source Country. This would permit potential refugee claimants to apply in Bogota rather than a third country as is currently the practice. I would like to point out that the embassy receives only a few requests of this kind each year and that the mechanism of sending applicants to a third country has indeed proved workable. We support the possibility of a greater United Nations High Commission for Refugees presence in Colombia which is currently under consideration. An increase in their presence would likely impact positively on the situation and also establish a broadly accepted framework for the processing of refugee claims.

Allow me to clarify any misunderstanding that may have arisen with respect to "assurances" given in the House of Commons to Mr. Preston Manning in June 1994 to the effect that Bell Textron helicopters would be used for "rescue and humanitarian relief". I took the liberty of checking Hansard to note what exactly had been said by Mr. Flis on June 8, 1994. The response to the question by Mr. Manning was as follows: "I am pleased to notify the Honourable Member that these helicopters are certified as civil by Transport Canada. They are not certified as military helicopters. This was raised in our foreign affairs policy review by some witnesses. It came out that some of these helicopters will be used to fight against the drug trade which is affecting our society in Canada. The Honourable Member also knows the country has just gone through an earthquake so these helicopters will come in handy for rescue and humanitarian relief."

.../3

On the topic of helicopters, the particular model of helicopter in question is classified as civilian, and is used by both the military and police anti-narcotics squad as a transport aircraft. With respect to our export controls, they are based on goods, not on the end user. If the goods are specifically designed for military use they are controlled and need a permit regardless of the end user. Neither Canada nor any other country requires permits or licenses for the export of civilian certified helicopters. It is the responsibility of the Department of Foreign Affairs and International Trade to administer the law; the law gives our officials neither the right nor the responsibility to check up on the use of goods whose sale is not subject to Canadian government control.

Given the special concerns of ICCHRLA, we agreed to request from the Bell Textron agent in Colombia further information regarding the sale of the Bell equipment in 1994. The agent confirmed that the equipment remains in the hands of its original consignees, the Air Force and the Police. Given the private nature of this sale, I do not consider that I have a responsibility or right to instruct departmental officials to pursue these enquiries further; I would suggest that they have fully carried out their duty on this case.

The pursuit of trade and respect for human rights are not incompatible, in fact they are complementary goals. Trade is an essential part of Colombia's development, and with improving living standards comes a larger middle class that will call for democratization and increased respect for the rule of law. We must also take into consideration that the security and economic interests of Canadians depend on the health and stability of the international order, which relies on democracy, human rights, and multilateral cooperation.

Human rights violations in Colombia remain important Canadian concerns. I personally raised the issue of human rights with Foreign Minister Mejia during our bilateral meetings in Ottawa last October. The first item on the agenda was the issue of human rights and good governance. I took the opportunity to express my deep concern at the increase in violence and the upsurge in paramilitary activities. I communicated the need for the Government of Colombia to take steps to bring an early and peaceful end to the violence. I also expressed our interest in knowing more about the new peace plan and eventual international participation. The Government of Canada is prepared to consider involvement in the implementation of the peace process, with the consent of all of the parties, and at the appropriate time. We will continue to maintain dialogue with Colombian officials on this issue at every opportunity.

.../4

We do share your concerns regarding the plight of human rights workers, the rise in paramilitarism and their links with the armed forces. The deteriorating human rights situation in Colombia has translated into more effort on the part of our officials to monitor abuses and to continue to press the Government of Colombia to address human rights violations.

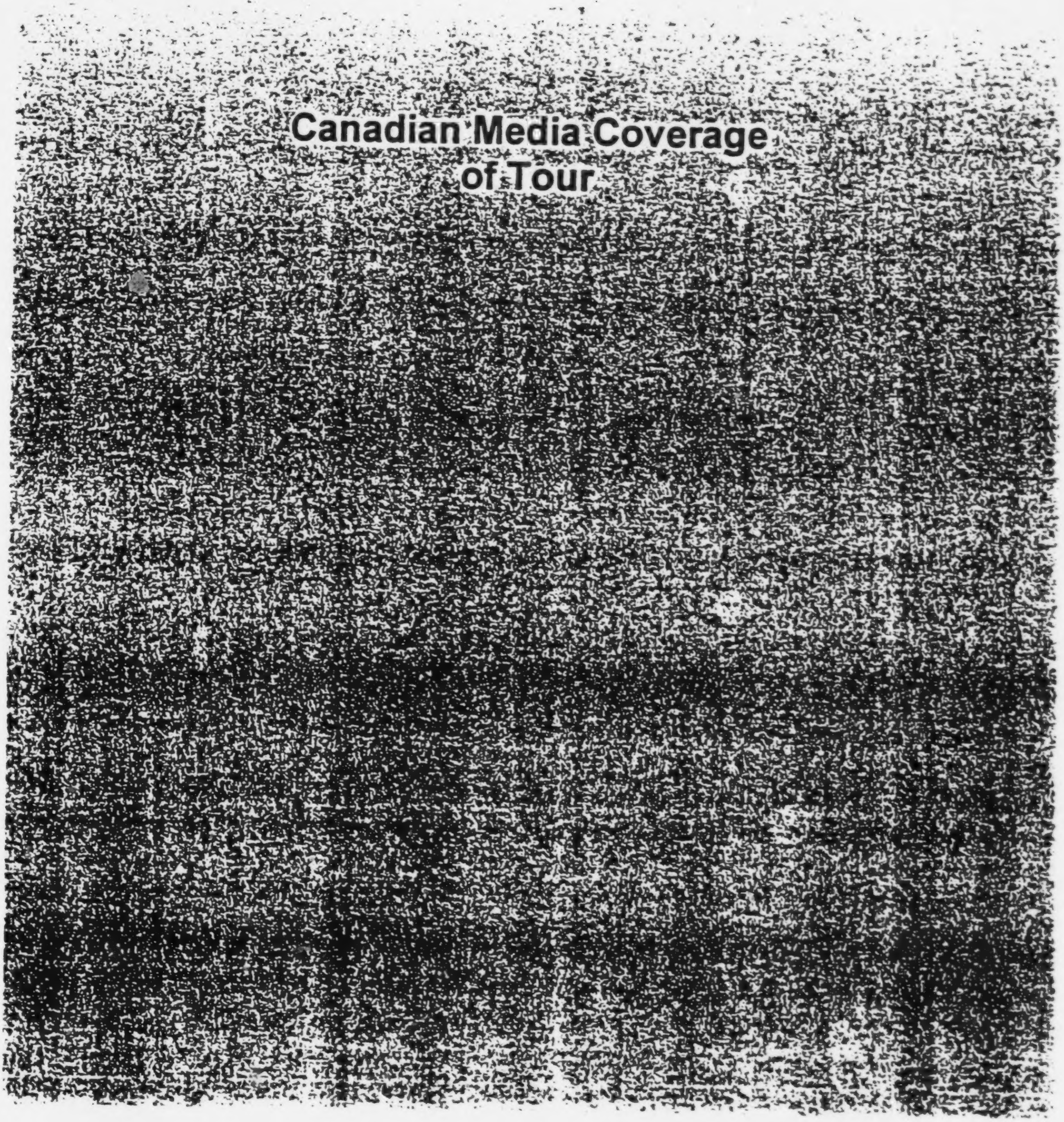
Sincerely,

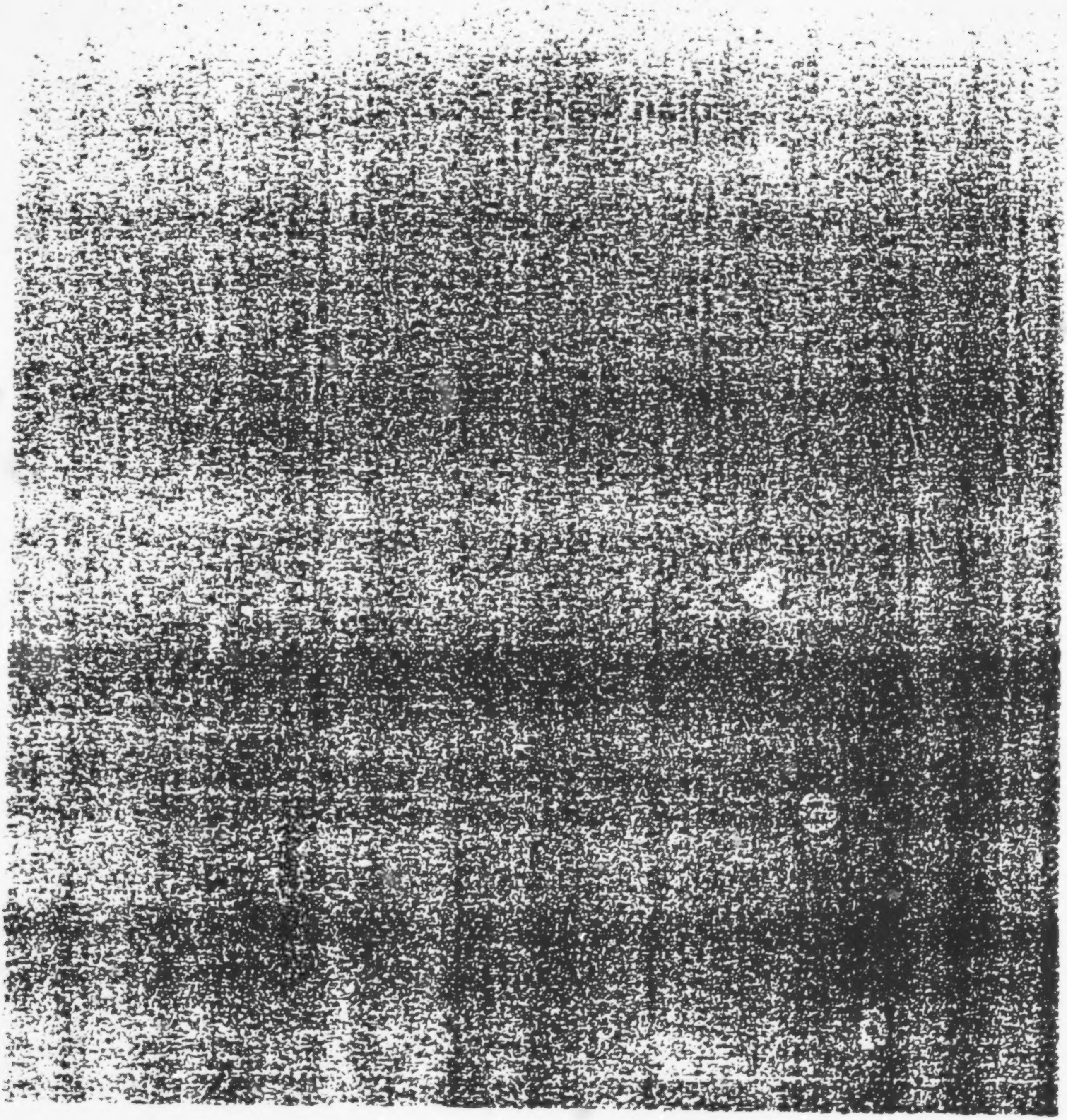
Lloyd

Lloyd Axworthy

APPENDIX 3

Canadian Media Coverage of Tour





Call to invest in Colombia condemned by rights group

Report released as Marchi meets Bogota minister

OTTAWA (CP) -- The Canadian government is actively encouraging investment in Colombia at a time when Colombian trade unionists are being murdered in unprecedented numbers, says a human rights group.

"We have never seen the level of atrocities we are seeing today in Colombia," said Bill Fairbairn of the Inter-Church Committee on Human Rights in Latin America said yesterday.

"There are more political killings and disappearances each year in Colombia than those reported during the entire 16 years of the Pinochet dictatorship in Chile."

Fairbairn and a delegation of monitors recently returned from Colombia, where they say a government-backed "reign of terror" is being waged against trade union leaders and social activists.

Their report stands in startling contrast to a guide from Canada's Department of External Affairs and International Trade, dated Feb. 25, 1997.

The guide calls Colombia's economy "one of the most stable and dynamic in Latin America" and says Colombia offers excellent credit risk conditions for medium- and long-term financing.

Of Colombia's scandal-rocked presidency, which has been linked to funds from the Cali drug cartel, the report is all but silent.

Trade Minister Sergio Marchi, following a meeting in Ottawa yesterday with Colombian Trade Minister Carlos Ronderos, acknowledged paramilitary violence is a concern.

But he said an investment prospectus is not the place to raise such concerns.

Several Canadian companies have invested in the Colombian oil and gas industry, where some 70 trade union leaders have been killed in the last 10 years.

"The sectors where unionists have been hit hardest — oil and gas and telecommunications — are precisely those sectors where Canadian trade and investment have been the greatest," said Ken Luckhardt, a researcher with the Canadian Auto Workers union.

"We left that country 10 days ago realizing the level of trade union repression in Colombia is greater than it ever was in the darkest days of (South African) apartheid," Luckhardt said.

The terror campaign is designed to quash labour unrest in the very industries Canadians are being encouraged to invest in.

Rights group condemns Colombia

Activists point to 'nightmare of terror' as officials seek Canadian investors

By Juliet O'Neill
The Ottawa Citizen

The decapitation of a 12-year-old Colombian boy by paramilitary forces is one of a litany of horror stories that has human rights activists upset that the federal government is supporting Colombia's attempt to attract Canadian investment.

The investment paradise that Colombian government ministers are promoting in Canada this week is actually a "nightmare of terror" for trade unionists, civic leaders and many thousands of innocent people, human rights activists said yesterday.

Members of a fact-finding delegation of the Inter-Church Committee on Human Rights in Latin America issued a report about the "extremely grim" situation during a visit by Colombian Foreign Affairs Minister Maria Emma Mejia and Trade Minister Carlos Ronderos, aimed primarily at boosting economic ties with Canada.

Foreign Minister Lloyd Axworthy, who met the delegation, said in a statement announcing the Colombian ministers' visit that human rights were on the agenda and that Canada appreciates Colombia's support for the treaty to ban land-mines. Colombian-Canadian trade was valued at $800 million last year and Canadian investment totalled $3 billion.

Committee official Bill Fairbairn and his colleagues asked Mr. Axworthy for an emergency refugee program for trade unionists and others in Colombia facing death threats and sought a monitoring program to ensure the sale of Canadian goods like helicopters — sold as air ambulances — are not converted for use in terror campaigns against innocent people.

"Members of the delegation are seriously concerned that Canada's growing trade and investment links with Colombia are taking place in a context of a wave of killings and violent attacks against Colombian trade unionists, who have opposed privatization of sectors in which Canadian corporations are investing," the committee said, citing oil and gas and telecommunications. "The delegation is worried about the danger that Canadian companies could be complicit in or profiting from these gross violations of human rights."

The committee said political violence has escalated to the point where an average of 10 people are being killed each day by military and paramilitary forces and nearly a million people, mostly women and children, have fled their homes and are living in inhumane conditions.

The campaigns of violence are being conducted with apparent impunity and the situation is expected to worsen as national elections, seven months away, draw nearer.

The report contained testimony about such horrific events as an attempt by a paramilitary group to silence the outspoken mayor of a northern town by decapitating 12-year-old Cesar Augusto Rivera with a machete and holding the head up "for all the children to see."

Kitchener Waterloo
RECORD

OTTAWA

Colombian appeal met by horror stories

By Juliet O'Neill Southam Newspapers

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OTTAWA CITIZEN

LETTERS

Colombia doesn't condone violence

Re the Oct. 28 news story on the Inter-Church Committee on Human Rights in Latin America criticizing the federal government for encouraging investment in Colombia at a time of atrocities against trade unionists there.

It is totally irresponsible to affirm, that "a government-backed reign of terror is being waged against trade union leaders and social activists."

The situation in Colombia is very complex. The government does not have a monopoly on force. Violence comes from many sources: guerrilla groups, paramilitary groups, drug traffickers, common criminals. Many people suffer: judges, journalists, politicians, peasants, businessmen and, of course, trade union leaders.

At the same time, Colombia has been always characterized by its free press, free elections and democratically elected civil governments. Far from encouraging or abetting violence and repression, different governments have endeavoured to implement measures to respond to this problem.

Alfonso Lopez Caballero
Ambassador
Embassy of Colombia
Ottawa

LETTERS

Complexity no excuse for rights abuses in Colombia

Re *Colombia doesn't condone violence* (Nov. 3 letter) by Colombian Ambassador Lopez Caballero. Colombia's complexity should not be used as a smoke screen to hide the fact that, at present, paramilitary groups, together with the state security forces, are responsible for about three quarters of the reported cases of political killings and massacres.

Our committee, together with many other credible Colombian and international human rights organizations, has gathered abundant proof of the ongoing links between senior members of Colombia's armed forces and the country's paramilitary death squads.

By abdicating its responsibility to actively combat these groups and to sanction the military who support them, the Samper government cannot continue to portray itself as an innocent victim of violence beyond its control. Through its actions and omissions, it is condoning gross and systematic human rights violations.

ANNETTE DEKKER
Inter-Church Committee
on Human Rights
in Latin America
Toronto

Le Devoir - Mercredi 29 octobre 1997 A7

COLOMBIE

«Un pas en avant, trois pas en arrière»

CLÉMENT TRUDEL
LE DEVOIR

La plus grande déception du mandat du président colombien Ernesto Samper, commencé en 1994, c'est *«la tolérance de son gouvernement pour les groupes paramilitaires»* - il y en aurait plus de 250 à l'oeuvre. Le dernier «rapport spécial» du Comité inter-Églises sur les droits en Amérique latine, qui a son siège à Toronto et dont le directeur général, William Fairbairn, rentre tout juste d'une mission d'observation en Colombie, vient de sortir des presses. Le document de 55 pages résume les trois ans d'exercice du président Samper en l'accusant de faire *«un pas en avant, trois pas en arrière»*, de pas tenir sa promesse de lutter contre l'impunité des auteurs de massacres et de violation des droits.

Citant la Commission colombienne des juristes (p. 26) le CIEDHAL dont le sigle anglais est ICCHRLA fait ressortir que les assassinats politiques et les violations des droits attribués aux forces armées ont effectivement diminué; alors qu'on leur attribuait 54 % des cas en 1993, on n'enregistrait plus que 33 % de ces violations attribuables à l'armée en 1994, 16 % en 1995 et 11 % en 1996. On croirait bien à un redressement. Toutefois, ce que la CCJ signale à regret, c'est que les groupes paramilitaires prennent la relève puisque de 18 % des violations qui leur étaient attribuées en 1993, ils passent l'année suivante à 35 % pour aboutir à 46 % en 1995 et à 63 % en 1996! La complicité entre les paramilitaires et militaires dans une région comme Urabá a même été dénoncée par le colonel Carlos Alfonso Velázquez dans un mémo adressé au chef des armées, le général Manuel José Bonett. Le colonel a été forcé de quitter l'armée et, en janvier 1997, un tribunal militaire a complètement blanchi le supérieur de ce militaire *«déloyal»*, le général Rito Alejo del Río.

Une dizaine d'observateurs canadiens ont parcouru diverses régions du pays

Pas plus que son prédécesseur César Gaviria, Ernesto Samper ne semble désireux de modifier les lois de son pays pour que soit dûment sanctionné le crime de *«disparition forcée»*, déplore le CIEDHAL qui ne manque pas de répertorier les exactions dues à des groupes de guérilleros, tout en soutenant que le problème principal réside dans la terreur que répandent les paramilitaires, comme ce fut le cas à Apartadó où la mairesse Gloria Cuartas, alors qu'elle s'adressait à des écoliers pour les préparer à la *«semaine de la paix»*, a vu s'approcher deux hommes armés qui ont décapité à la machette un enfant de 12 ans. L'événement est survenu le 22 août 1996. Il fut suivi de l'assassinat du secrétaire de la mairesse alors qu'elle se trouvait en tournée en Europe. Des militaires ont aussi fait comparaître Mme Cuartas pour lui signifier leur colère face aux propos *«calomnieux»* contenus sur un site Web en provenance de Madison, petite ville du Wisconsin jumelée à Apartadó. À Madison est né le CSN (Colombia Support Network) qui continue de gêner les autorités colombiennes.

Du 1er au 11 octobre, une dizaine d'observateurs canadiens encadrés par W. Fairbairn ont parcouru diverses régions de Colombie pour se documenter sur la situation des syndicats. Carl Hétu, de Développement et Paix, en était; il a vu plusieurs camps de personnes déplacées qui vivent dans des conditions précaires (elles seraient plus de 900 000 qui ont fui le feu croisé des forces qui perpétuent la violence) et retient que les syndicalistes *«sont en train d'être exterminés»* — 253 militants et dirigeants syndicaux ont été tués l'an dernier, de très nombreux autres ont choisi de s'exiler ou de se réfugier dans la capitale, Bogota. C'est là que M. Hétu s'est entretenu avec plusieurs anciens dirigeants syndicaux d'une usine Coca-Cola du nord de la Colombie. Un matin, des hommes armés ont froidement tiré à bout portant l'un des syndiqués et sommé l'exécutif de déguerpir, sinon *«nous reviendrons vous abattre tous»*. Il faudrait, croit Carl Hétu, un suivi pour éviter que des Colombiens continuent d'être ainsi sacrifiés.

Quant au rapport spécial du CIEDHAL — qui sera disponible bientôt en français — il demande que le Canada agisse de façon que les relations commerciales avec la Colombie soient conditionnées à une amélioration des droits de la personne. Parmi les obstacles à la varie pacification de la Colombie, on retient l'absence de réforme en profondeur de la justice militaire et l'existence de «coopératives» d'autodéfense (CONVIVIR) ressemblant fort, selon W. Fairbairn, aux groupes organisés dans les années 80 par les militaires et qui ont perpétré des milliers d'assassinats.

Colombians risk lives to cast local ballots

Dozens of candidates killed by rebels during campaign

BOGOTA, Colombia (AP-Staff) — Amid heavy security, Colombians voted for state and local offices yesterday in elections marred by a rebel sabotage campaign that has killed dozens of candidates and scared thousands more into withdrawing.

Obeying leftist guerrilla orders to boycott the ballot and stay off highways, tens of thousands of Colombians in the countryside outside state control were expected to stay away rather than risk rebel retribution.

More than 200,000 police and soldiers guarded voting stations. But rebels seized and burned ballots in several isolated villages, blew up electrical towers and kidnapped 10 election officials in one northern town, authorities said.

The municipal elections amount to a bloody foretaste of presidential elections next May.

In their stiffest challenge to the government in more than 30 years of fighting, leftist guerrillas have badly embarrassed President Ernesto Samper's scandal-plagued administration.

More than 100 candidates and elected officials have been murdered this year, most by guerrillas but some by the rebels' paramilitary foes. More than 2,000 candidates withdrew under death threats, dozens after being kidnapped.

Canadian human rights activists condemned the rebel violence, including the kidnapping of international election observers.

"It's a deplorable situation. These actions are most serious violations of international law," William Fairbairn said in a telephone interview with The Star's Linda Diebel, the Latin American bureau chief. Fairbairn is from the Toronto-based Inter-Church Committee on Human Rights in Latin America.

On Friday, National Liberation Army rebels kidnapped two election observers, saying they won't release them until the military withdraws from a large area of northwestern Colombia.

It was the first time election observers from the Organization of American States have been targeted. No one bothered them in Nicaragua, or in Paraguay or Haiti, where their missions were aimed mainly at preventing fraud.

Fairbairn, who recently travelled to Colombia with Canadian human rights workers and union activists, says the rebels aren't acting alone to turn Colombia into the most violent country on earth.

Last year, 27,000 people died violently, including the murders of scores of human rights workers and priests.

"We were in the north (in Uraba) and, of the 40 people killed in the lead-up to elections, six were killed by the FARC (Revolutionary Armed Forces of Colombia) and the rest by paramilitary forces," Fairbairn said.

"Our point is that these elections are one moment in time, but that there must be a new initiative to get peace back on the agenda in Colombia."

He added that human rights workers are particularly worried about municipal elections in Apartado, a hub-town in the violent Uraba northern region.

Former Libyan-trained guerrilla Teodoro Dias, alleged to be leading a paramilitary force, is running for mayor there.

If he wins, Fairbairn warned, Colombian human rights groups fear paramilitary thugs will operate with impunity throughout the region.

CLC fax PRESS

A CANADIAN LABOUR CONGRESS BULLETIN October 30, 1997

White stands by striking Ontario teachers

In a letter and press statement released earlier this week, CLC President Bob White urged working people and trade unionists throughout Ontario to continue coordinating protest support activities with the teachers - including picket line support.

"There should be no illusion about this government's intentions," stated White in his Solidarity Message. "They've been anti-union from the beginning and now they seem prepared to risk Ontario children's school year to prove it. But, there should be no illusion about the teachers' resolve to fight for quality education in Ontario for present and future students."

On Monday more than 126,000 Ontario teachers went on a province-wide strike to protest the Harris government's intransigence over Bill 160, legislation which will increase classroom size, lengthen the school year, cut teacher preparation time and trigger the loss of at least 10,000 jobs.

The provincial Conservative government is threatening court action to force teachers back to work.

Union delegation to Columbia reports repression

Human and workers' rights are under increasing attack in Columbia says CLC staff rep David Onyalo following a recent 10-day trip to that country with a trade union delegation organized by the Inter-Church Committee on Human Rights in Latin America.

Onyalo, reporting to the CLC's Executive Committee last week, noted that displacing people and genocide are common policies in Columbia when corporations want to "clear away people" to build tourist facilities, mine for gold and bauxite or explore for gas and oil.

Onyalo was among a group of eight trade unionists who witnessed the violence and repression against Columbia's rural people and 'campesinos', its indigenous population, and African-Columbian communities. The delegation met with people who detailed human rights abuses and explained how the military regime is criminalizing trade union activity. In 1996 at least 80 trade unionists were killed.

Onyalo visited the rural region of Uraba and spent time talking with trade unionists from the Petroleum Workers Union (USO) who are currently jailed in the capital city of Bogota.

Columbia's civilian government is controlled by the military and Onyalo notes that corporations are benefitting from the military force used to displace and terrorize people. Many corporations investing in Columbia are eager to bust unions as well and as a consequence are attacking trade union activists.

"The government always uses the same reason to excuse the violence - they always accuse trade unionists of being subversives and of being involved with the guerillas or with drug dealers," says Onyalo.

"It's really important that we get the message out that Canadian corporations could be profiting from the blood of farmers, indigenous peoples and trade unionists if they invest and operate in Columbia. We want Canadian corporations operating in Columbia to call for respect of life and human rights and for the legitimacy of trade union rights,

Produced by CLC Communications
(613) 521-3400, ext. 425/6
FAX (613) 521-0423

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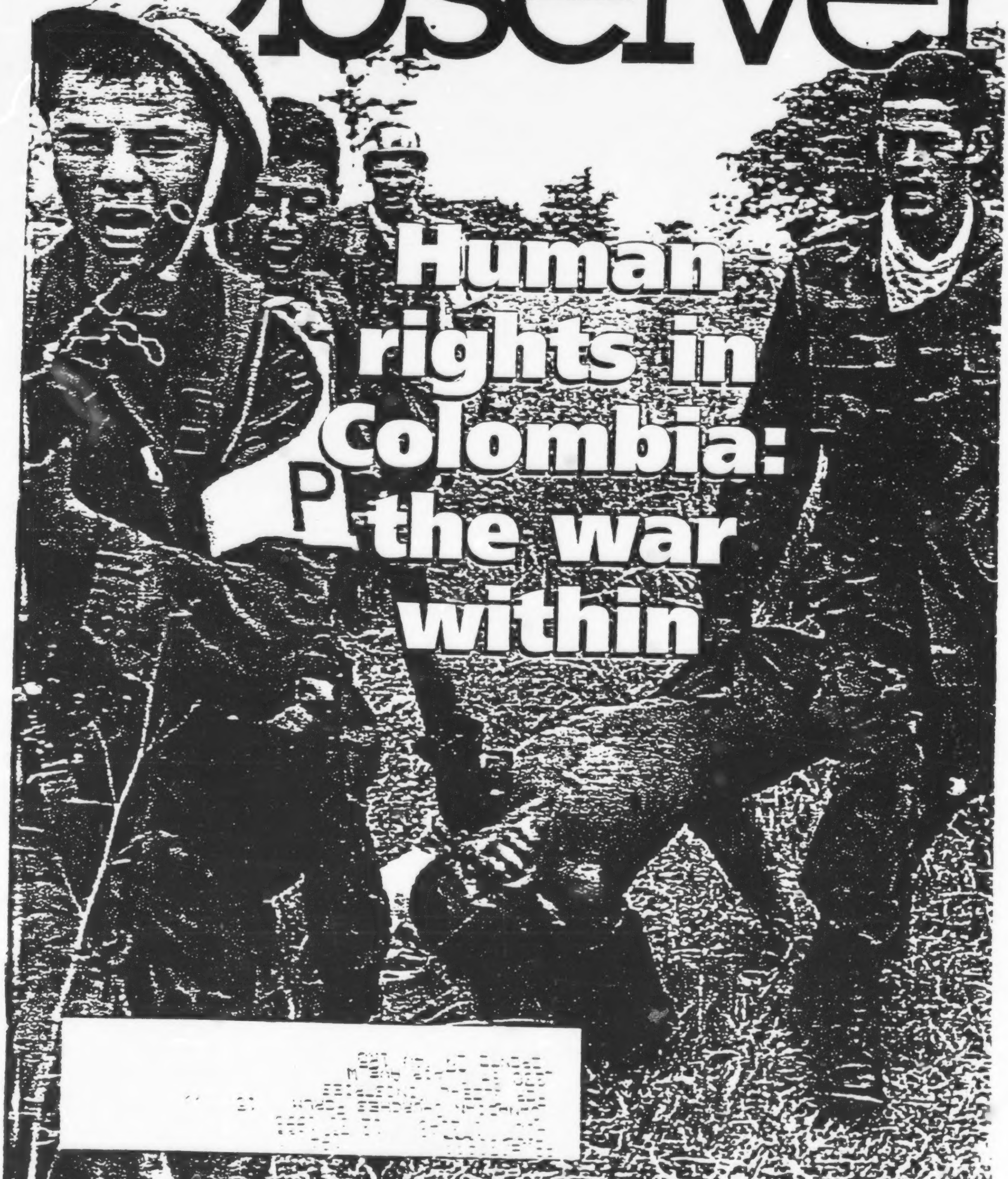
The United Church
Observer

$2.00 February



Human rights in Colombia: the war within

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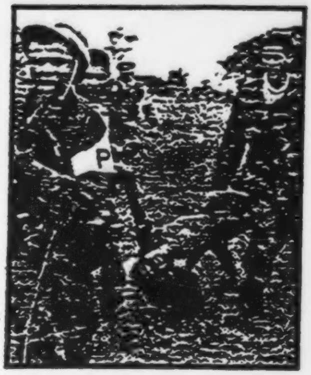
COVER STORY

Colombia's war within



Drug battles grab the headlines, but human-rights violations are among the world's worst.

by John Bird

Ricardo Esquivia still speaks of it as a "miracle" — the day he was picked up on the streets of San Jacinto, Colombia, near the Caribbean tourist playground of Cartagena, and thrown blindfolded in the back of a truck with a dozen other *campesinos*. The miracle is that he lived.

"Usually, if you are put in a truck, that's it," he explains through an interpreter. A few days later your body turns up in a ditch and the news is calling you a "narco-terrorist." It had already happened to seven of his colleagues.

When the truck finally stopped, the *campesinos* were taken down and their blindfolds removed. Esquivia found himself back at his own farm facing about 70 police and soldiers, with guns pointed not just at him, but also his wife and four children — all under 10 years of age.

The military were searching the house for weapons or drugs. In Colombia, the "war on drugs" and the guerrilla conflict are convenient excuses for all kinds of human-rights violations.

"I was really scared," he recalls, a frown momentarily clouding a face more used to smiling. "I'm not that brave." But then "in my mind a voice said: 'Don't worry, I will put words in your mouth.'" So he addressed the lieutenant in charge: "I'm glad you're here. If we'd been taken by the guerrillas I'd be scared. But you're legal; you're not bandits. You represent the Colombian government."

The words seemed to shake the lieutenant to his senses. "It's true," he said, as though to himself. "We are legal." He turned to Esquivia. "As long as I'm here, nothing will happen to you." Then he sent the police away, and told the *campesinos*, "You're free to go." That incident "gave me strength," says Esquivia. "My life is not in their hands, but God's. It doesn't take the fear away, but it helps me."

The irony is that Esquivia had come back to his mother's ancestral home in the department of Sucre to demonstrate to his people a non-violent alternative to armed insurrection. A Mennonite, this small gentle Colombian of African and indigenous ancestry has lived a life dedicated to pacifism — but also to what he describes as the "option for the poor."

Now the co-ordinator of CEDECOL, Colombia's small Protestant church council, Esquivia has pushed the council to speak out for peace, and to help people driven from their homes by the violence. His persistent pressure for the right of conscientious objection to military service makes an almost

Ricardo Esquivia: "Not in their hands, but God's."

A paramilitary unit on patrol in northern Uraba. Private armies are funded by landowners, druglords, the army and corporations.

himsical tale of generals and government ministers running ared from the moral authority of a tiny church with only 17 ongregations and [illegible] members throughout the country.

"A Ministry of Defence lawyer called this week," he says. He thought we had a basis for conscientious objection, but dmitted the government is afraid to confront the army."

Esquivia tells his story lightly, but the threats are very real. Are you the conscientious objector?" demanded one caller. We have a way to clear your conscience." He and his family ave had to flee their home in the dead of night, and three mes Esquivia has had to leave the country till things cooled own — once finding asylum with fellow Mennonites in anada.

n a second-floor office across from bustling arrancabermeja's downtown market, ceiling fans have been t at full speed for a sweating delegation of Canadian trade ionists, brought here by Canada's Inter-Church Committee r Human Rights in Latin America (ICCHRLA). Osiris Bayther, esident of CREDHOS, a human rights organization based in is provincial centre, welcomes us warmly, but her brow is fur- wed with concern.

Last night on the television news, she explains, Ramon aza, the local paramilitary leader, announced a major offen- se to rout out guerrilla forces in this resource-rich region of ntral Colombia. The plan is to attack them in their "social se" — in other words, to terrorize local *campesinos* and vil- gers.

This is what they're talking about, says Francisco Campo, EDHOS general secretary. He shows us the photo of a muti- ted head. It was severed from a local *campesino* when he was ied earlier this year by the paramilitary. I turn away, but e image remains seared in my consciousness. Suddenly — idway through this 10-day trip to Colombia, and after days ied with statistics and analysis — I begin to understand on ut level, the true horror of this violence.

Izaza's announcement will mean many more victims like the one in the photo. There are nearly 10 politically motivated killings here every day, according to the Colombian Commission of Jurists (CCJ). There have been 30,000 since 1988 — more each year than in the whole 16 years of the Pinochet regime in Chile. Many of those victims show signs of torture.

In 1996, says the CCJ, the paramilitary and army carried out nearly three-quarters of the political assassinations, while guerrilla forces were responsible for the rest.

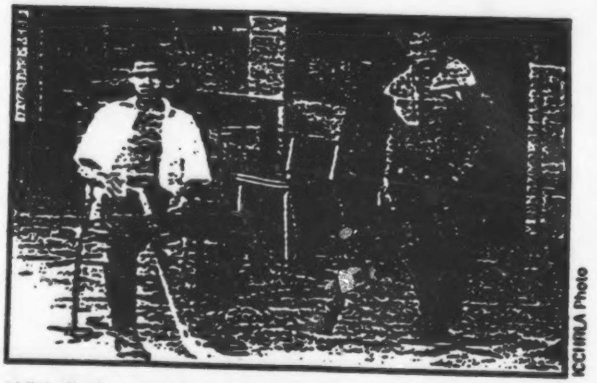
The announcement will also mean hundreds, perhaps thousands, of people seeking refuge in Barranca and neighboring regions. Every week another 10,000 people arrive in Bogota, population already between six and seven million. Many are fleeing exactly this kind of paramilitary terror. A 1994 study by the Colombia Catholic Bishops identified 650,000 internal refugees; human rights organizations now believe there are nearly a million — one person in 35.

There are good communities and bad communities, Izaza told the television cameras. The paras will be going after the bad ones. He means those that don't have paramilitary supporters, explains Bayther. Or where the people know their rights and denounce violations. Or simply those that have resources someone else wants. "Everyone in this region," says CREDHOS general secretary, Francisco Campo, "is a potential suspect."

This will not be the first wave of violence in the region. In the early '90s, five CREDHOS workers were assassinated in separate incidents, and several others — including Campo — fled the country.

But aren't the paramilitary groups illegal? "Officially, yes," says Bayther. But many receive support, arms and training from the army, as detailed by Jesuit Fr. Javier Giraldo in his book, *Colombia: The Genocidal Democracy*. Human-rights violations by the paramilitary — killings, kidnappings, disappearances, torture — have increased in recent years in almost direct proportion to a decrease in violations by the military.

The army, constrained by international public opinion,



ICCHRLA Photo

With little to defend themselves, *campesinos* such as these young men in San José de Apartadó are vulnerable to paramilitary and army attacks.

has found someone else to do its dirty work.

The violence is not inevitable. Colombia has a democratic tradition older than Canada's, dating back to the liberation wars of continental hero, Simon Bolivar. Its constitution, renewed in 1991, is considered one of the best in the world. Larger than Ontario, with 35 million people and coasts on both Atlantic and Pacific, Colombia boasts an economic growth rate over the decade of more than five percent a year.

Yet it also has the longest-running guerrilla war in the hemisphere. And right-wing paramilitary groups, with the tacit blessing of the military, government and judiciary, declare daily war on anyone — worker, peasant, union leader, teacher, human rights worker — who seeks a better life for the poor and downtrodden.

When they got to San José, the International Red Cross were coming in on horseback with the three bodies. "They had their red-and-white flags," says ICCHRLA's Bill Fairbairn. "Everybody was crying — the relatives, the other men who had been with the victims when they were killed, the children."

Fairbairn and three of the Canadian unionists had arrived that morning in the northern region of Urabá, to visit the "peace community" of San José de Apartadó, near the Panamanian border. They learned that three members of the community had been killed the night before by guerrillas.

"About 20 men had gone out together to work in the corn and yucca fields," says Fairbairn. On their way back they were stopped by four members of FARC (the largest of several guerrilla forces), who were unhappy about the village's refusal to ante up supplies. The guerrillas separated three men from the group and told the rest they could go. "As the others left, they heard shots."

Urabá has been the centre of some of Colombia's fiercest recent fighting as two guerrilla groups vie with the military and paramilitary for control of a strategically important area — the possible route of a second trans-oceanic canal. Last spring the 850 people of San José decided they'd had enough of being silent victims. They declared themselves a "community of peace."

"They are not armed actors and they don't want to be used by either side," explains Fairbairn. "They just want to farm the land and live in peace."

For this unassuming declaration they have paid a terrible price. Nearly 40 of their number have been killed in recent months, mostly at the hands of the paramilitary. This massacre by the guerrillas hits particularly hard. Neither side, it appears, will allow them to live in peace.

"If you stay with the community tonight, it would be a gift to them," the priest at San José tells the Canadian group. "They want international people there," explains Fairbairn, "so they know they're not alone."

"Colombia is a violent country, but the Colombians are not violent people." We hear this plea for understanding repeatedly during our visit. Of course we understand. They just want to live, to raise their children, to earn their daily bread.

There are, however, a number of Colombians for whom simple daily bread is not enough. They already have most of the money, the land, the power. Two-and-a-half percent population owns 60 percent of the wealth. And they w more.

For a long time it was just a very few families, the colon legacy of the Spanish class system. They nominated the selves Liberal or Conservative — two groups fighting ov the same spoils — and resorted to bribes, threats and intrig to gain the upper hand over each other.

The 15 years from 1948 to 1963 became known as *Violencia*, an all-out Liberal-Conservative power struggle t killed 200,000 people but resolved nothing. Since then th have only grown more complex, with the rise of guerrill movements inspired by the growing gap between haves and have-nots, the growth of a drug trade whose masters have become landowning members of the ruling class, and economic globalization that adds transnational exploitation to a country so richly blessed with the curse of natural wealth.

A soldier guards a health centre at a camp for northern Colombians displaced by violence.

The paramilitary groups are in this quagmire up to their necks, serving the rulers: the landowners, the drug lords, the army, and even overseas companies. Originally established to protect the rich against kidnapping by armed revolutionaries, many of them now terrorize any group that seeks — or might be suspected of seeking — basic social and economic justice. In some rural areas a young man's only choice is to join the paras — or be killed by them.

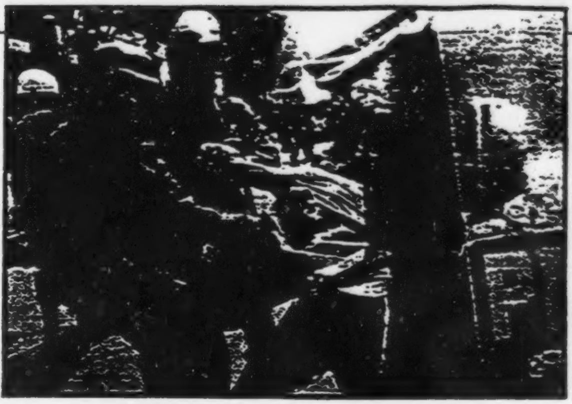
They sport picaresque names like *Death to Communists*, or *The Headcutters*, one of whom used a machete to cut off the head of a 12-year-old boy, Cesar Augusto Rivera, in front of his classmates in Apartadó last year. It was a warning to the mayor, Gloria Cuartas, against denouncing military/paramilitary abuses.

As legislation, presidents and constitutions come and go, two things remain constant: exploitation of *campesinos* and workers; and suppression of attempts to develop a legal, political alternative to the two-headed, Liberal-Conservative coin.

Take the case of Patriotic Union, a left-of-centre party formed in 1985. Since then, says ICCHRLA, it has faced "political genocide" as almost all its members and leaders have been murdered — about 3,000 people, nearly one a day. Belonging to the Patriotic Union, says Fr. Giraldo, "means living with a death sentence."

All but three percent of common crime in Colombia goes unpunished, according to a 1994 study by Colombia's director of national planning. For political human-rights crimes, says the CCJ, the impunity rate is closer to 100 percent.

Colombian president Ernesto Samper has repeatedly promised to protect human rights, and has even set up a presidential adviser's office to do so. But still the abuses continue, and impunity reigns.


Canapress Photo/Leonardo Castro

Riot police arrest a protester during a strike by state employees in the capital city, Bogota.

The driver guns the heavy outboard motor on his *chaloupa* and points it into the powerful current of the Rio Magdalena. A fringed canopy fends off the beating sun as the filthy water rushes by. Behind us the old Barranca waterfront spreads along the shore, the stone docks sporting an array of fibreglass water taxis and dugout fishing boats.

Further out, the mile-long heavy-metal tangle of the state-owned Ecopetrol oil refinery swings into view, belching smoke and flame. Midstream, three gunboats of the Colombian navy are moving on patrol. A Japanese dredger excavates the channel for eventual ocean-going oil- and coal-carriers.

Ten minutes later, we reach the west bank of the river, a quiet, rural world, so different from the industrial east bank. Campo, our guide, corrals us a lift in the open back of a small truck, and the flat, verdant landscape whizzes by, humming in the heat. We pass a military checkpoint and fields of white Asian cattle — this ranchland has long been cleared of *campesinos*.

We taste the tarry bite of oil with every breath, and the cattle fields are dotted with large, slow-rocking oil derricks that remind us of the petrochemical wealth that supports the region — and the killing. A $1-a-barrel "war tax" on crude oil

Human rights in Colombia: what Canadians can do

Canadian Auto Workers organizer Rick Kitchen knows his planes, trains and automobiles. So when he saw two camouflage-painted helicopters at the Bogota airport, he realized they were Canadian-made — by Bell Helicopter Textron of Mirabel, Que.

Why the camouflage paint "if they are being used for earthquake relief as the Chrétien government maintained at the time of their sale?" demands Kitchen, who visited Colombia with a Canadian labor delegation organized by the Inter-Church Committee for Human Rights in Latin America (ICCHRLA).

Neither ICCHRLA nor Canadian unions want to stop trade with Colombia. But they do want to push the Canadian government to make sure it won't "result in more bloodshed," says ICCHRLA's Bill Fairbairn. That's where United Church members and congregations can help.

By writing the foreign affairs minister, Lloyd Axworthy, church people can make sure their government knows Canadians are concerned about Colombia's massive human rights violations, says Fairbairn.

The Canadian Embassy in Colombia has begun to speak out on human rights, but, says the Embassy's human-rights officer, Nick Coghlan, the bottom line for the Canadian government is still jobs for Canadians.

The Canadian Foreign Affairs Department, in a 1997 business guide, describes Colombia's economy as "one of the most stable and dynamic in Latin America," with "no balance-of-payments problems and an excellent credit rating." Canadian corporations invest more money in Colombia — about $2 billion a year — than they do in Mexico, says Coghlan.

"That's why raising the concern about human rights is so important," says Bill Fairbairn.

The Division of World Outreach's Deborah Marshall says the DWO Conference networks support ICCHRLA "urgent-action" appeals on Colombia. "Most of our work on Colombia," she says, "is done through the coalition."

Other church groups can consider following the lead of four United churches in Toronto's west end — Kingsway-Lambton, Humber Valley, Islington and Royal York Road — who sponsored a refugee, Over Rico, and his family. As education officer for the Nestlé workers union, Rico was hunted by Colombian police, and left for dead in a car wreck with three bullets in his head. He spent more than a year in hiding before ICCHRLA arranged the sponsorship.

For more information about Colombia, contact ICCHRLA at 129 St. Clair Ave. W., Toronto, Ont. M4V 1N5. Telephone: (416) 921-3843. E-mail: icchrla@web.net.

Write The Hon. Lloyd Axworthy, Minister of Foreign Affairs, 125 Sussex Drive, Ottawa, Ont., K1A 0G2, fax: 613-947-4442.

brings the military, we are told, $650,000 a day. Much of it ends in the hands of the paramilitary.

Yondo is an old company town originally established by Shell Oil: orange brick buildings betray the Dutch colonial heritage. A dozen people crowd into a small dark classroom to meet us, including Orlando Hurtado. He headed a *campesino* organization in the little village of Alto al Congoja — until the paramilitary arrived a year ago.

"They killed people, animals, pets," he says. "They wanted to kill me, but I managed to escape." His house was burned, and when he tried to go back, he was fired upon, miraculously escaping 15 bullets.

He and a band of 300 *campesinos* made their way to Yondo, three hours away by car. In a field donated by the village, they have organized themselves and are helping one another build rudimentary shacks, plant gardens, and find whatever work they can as they wait to go home. "They are still fighting back there," explains Hurtado.

For 15 years this river was in the hands of the guerrillas, says Fr. Jorge Serrano, head of the small Jesuit refugee program for this area. Now it is being reclaimed as the transportation corridor for major economic redevelopment in the Central Magdalena region. Recent gold and coal finds are augmenting the oil to reinvent the area as a major driving wheel for the Colombian economy.

That means "paramilitary groups at the direct service of economic interests — landowners, industrialists or gangsters," says Serrano. "They are really mercenaries," clearing out the guerrillas and their suspected social base.

In Bogota, Nick Coghlan of the Canadian Embassy confirms that overseas companies doing business in Colombia — including Canadians — generally add 10 to 15 percent to their budget for "security." In Colombia, the line between private security and paramilitary can be a fuzzy one.

Displaced *campesinos*, says Serrano, are generally illiterate and have no contacts and few skills for adapting to an urban environment. "They are scared." They would rather hide and depend on parish handouts than go to a government office to fill out the form for loss-of-goods repayment, or claim the $10,000 "death insurance" when a partner is killed by the guerrillas or paramilitary. Less than one in 100 of such cases is ever reimbursed, says the CCJ.

In the otherwise bare entrance to the Union Sindical Obrera's (USO) unfinished Barrancabermeja headquarters, hangs a series of larger-than-life charcoal portraits of USO leaders — all assassinated. Primary among them is Manuel Chacon, former president of this 75-year-old union of Colombian petroleum workers. Since he was killed in 1988, 100 USO leaders have been assassinated — and 200 to 300 have had to flee with their families. That's about one member in 15 in a union with only 5,000 members.

"Since the government can't defeat the guerrilla movement," says former USO president, Cesar Carillo, "they accuse the union of being the political arm of the guerrillas. "When we denounce army violations, they try to present us as defenders of the guerrillas," adds Pedro Chaparo, another former president. "But we defend human rights. In the past 10 years, they have been killing us. Now they have entered a new phase — legal attempts to break us."

We meet with Carillo, Chaparo and 14 of their co-workers in La Picota prison on the outskirts of Bogota. Chaparo has been imprisoned since 1993 when he was convicted of terrorism (which can mean anything that promotes public disorder — including a strike). His 15 colleagues have joined him within the last year, convicted of blowing up a pipeline.

"Even our bosses know we had nothing to do with the charges," says Carillo. "They testified we had nothing to do with it."

"The 15" are all victims of a uniquely Colombian legal apparatus known officially and euphemistically as "regional justice," but popularly as "faceless" justice. "The witnesses are identified with a pseudonym," explains Chaparo. Their faces hidden by hoods, "they go with police and point people out. The people are arrested, and then the investigation begins.

"The prosecutors, you never see them," he continues. "They are behind a one-way mirror; their voice is distorted. The judge never appears in public, never interviews you or meets you. He receives the information from the prosecutor."

Again and again we hear how faceless justice means no justice. "One witness made three statements under different pseudonyms, corroborating his own evidence," says Costantino Carrello, another of the jailed workers. "They become legal mercenaries," adds Leonardo Dias. "It's like a business; you can live well" as a professional witness.

"Even the attorney general has denounced the fabrication and multiplication of testimony" in this case, says the CCJ. But nothing has been done about it.

Unions are definitely under attack in Colombia. Forty out of every 100 union people killed around the world are Colombians. The Colombian equivalent of the Canadian Labor Congress has lost 2,300 of its leaders since it was founded 11 years ago. The unions are targeted because they fight human-rights abuses and oppose massive privatization and elimination of unions and full-time employment.

With more than half its workers already involved in "informal" work,

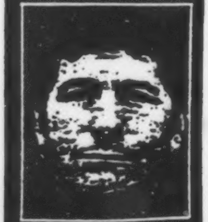
Among the victims

José Sosa
campesino activist
Killed Jan. 28, 1996

Alirio Pedraza
human-rights worker
Disappeared July 1990

Delio Vargas
human-rights activist
Disappeared April 1993

Maria Mendez
mayor, El Castillo
Killed by paramilitary


José Giraldo
human-rights worker
Killed Oct. 13, 1996

Colombia is increasingly an employer's market. Less than 10 percent of the working population is unionized, and 95 percent of that group is in the public sector.

"It's easier here to create a guerrilla organization than a union," says USO human-rights officer, Raphael Gomez. "With guerrillas you're giving unemployed people work; with a union, you're giving employed people an opportunity to lose their jobs."

With the casual charm of a nightclub performer, Francisco Campo, general secretary of CREDHOS, brings the microphone to his lips. *"Cuba Si!,"* he shouts.

Only a smattering of the more than 300 Colombians who have filled this USO hall of neoclassical design know what is expected of them this first time. *"Yanqui No,"* comes their ragged response.

Campo calls for more. He pumps his fist in the air: *"Cuba Si!"*

"Yanqui No!" A few more people pick up the call-and-response.

Again and again he repeats the cry — *"Cuba Si!"* — pushing a little more urgently each time.

And each time the response strenghtens, till finally the whole hall is on its feet, pumping fists and shouting. *"Yanqui No!!"*

It's Che Guevara Night in Barrancabermeja, marking the 30th anniversary of the death in Bolivia of the Cuban revolution's charismatic freedom fighter who became a hero to revolutionaries throughout Latin America.

I can't help but be surprised. If the paramilitaries are the threat they seem to be, then surely celebrating the life of a guerrilla fighter is asking for it. Couldn't that be taken to mean you support the armed struggle?

"We may share many of the same social goals with the guerrillas," Campo is clear and adamant. "But we differ absolutely on the question of using armed struggle to achieve those goals."

And yes, he adds, "it is dangerous to go to the Che celebration. But the people need some way of expressing their desire for change."

"Besides," he concludes with a wry smile, "everything in Colombia is dangerous — including accompanying a visiting delegation of Canadian trade unionists."

On our last evening in Colombia we attend a Catholic Mass to mark the first anniversary of the death of Josue Giraldo, a human rights worker gunned down in his home town of Villavicencio, Oct. 16, 1996.

As the evening sky darkens over Bogota we make our way down a quiet backstreet of office buildings and middle-class housing to the unassuming entrance to the Religious Conference of Colombia. Buzzed in by the ubiquitous security guard, we gather in a brick-floored classroom off the back courtyard, sitting uncomfortably at student desks.

The music is wonderful — spirited and haunting — with Andean panpipes, guitars and the tiny ringing *charanga*, its 12 strings stretched over the dried-out shell of an armadillo. Many people, including Bill Fairbairn, speak movingly of Giraldo's commitment to the struggle for justice and peace, and his work to help the displaced victims of Colombia's endless war — until he became a victim himself.

Colombian mothers carry signs asking for the return of their sons, among soldiers kidnapped by guerrillas.

Reuters/José Miguel Gomez/Archivo Photos

Giraldo, a member of the Patriotic Union, had survived two earlier assassination attempts, had been assigned government bodyguards and had moved to Bogota, away from the source of the threats. "But I think he was just getting sick of running," says Michael Lopez, an American friend who accompanied him back home (without the bodyguards, against others' advice) the weekend of his death.

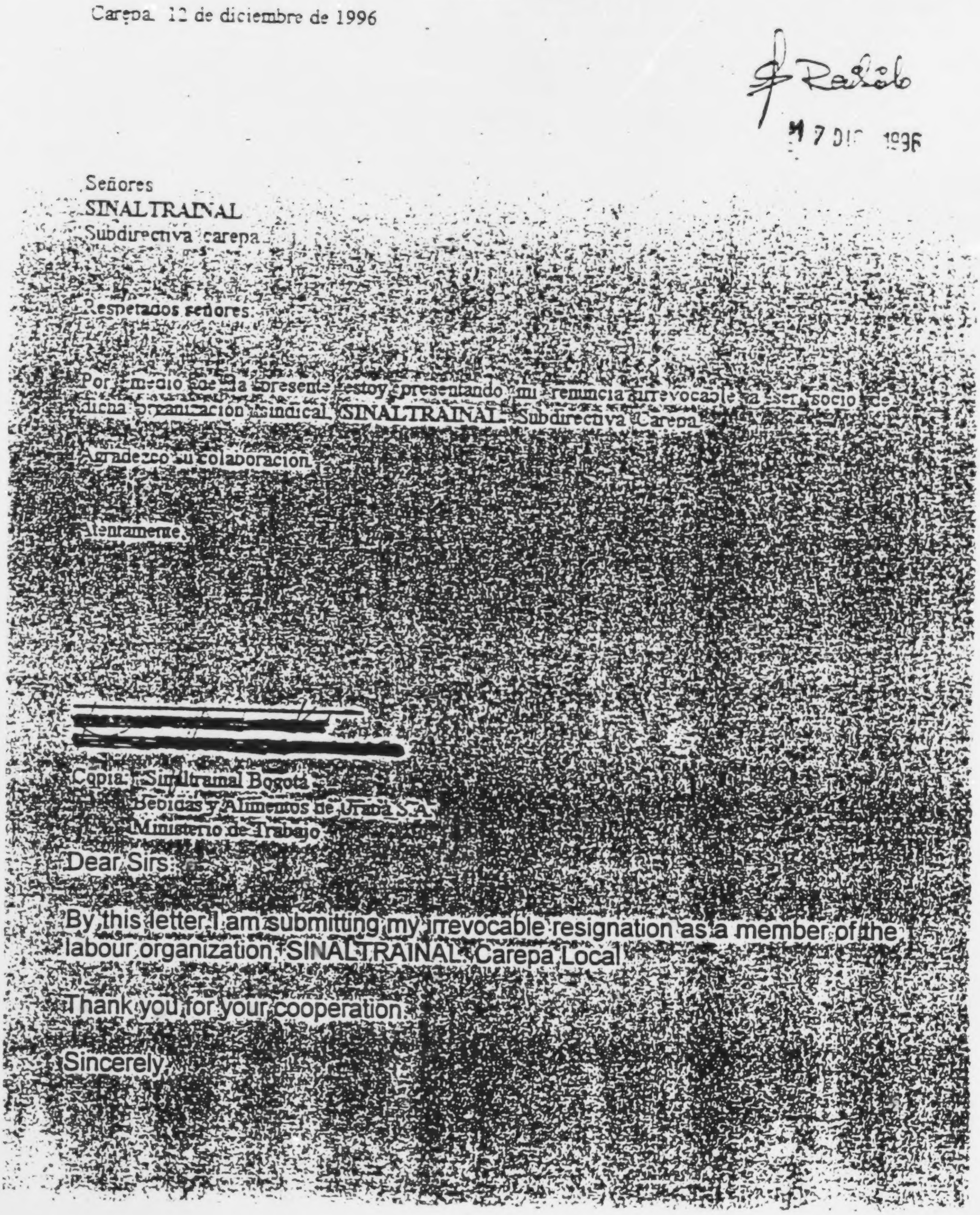
When the lone assassin came out of the bushes in the park where Giraldo was playing with his two daughters, Sara, 3 and Natalia, 5, Giraldo must have known the threats were about to come true. He ran, drawing the would-be assassin away from his daughters, while Lopez scooped them up and dashed across the street to the safety of the house. In the few seconds before Lopez could get back, the deed was done. He found Giraldo dead on the street in a pool of blood, seven bullets pumped into him.

Giraldo was a handsome, dynamic young man, to judge by the blown-up photo propped against the blackboard behind the altar. But I can't take my eyes off his daughter, Natalia, now six. The liturgy brings pain and confusion to the surface one more time, and all Natalia's mother can do is hug her tightly as the emotions well up again and the tears begin to flow.

Giraldo's parents are there, too. Simple working people nearing the end of their lives, and now cursed with the premature death of an obviously beloved son. The father, in a rough black suit, has a ring indented in his coarse white hair, where the Andean-style bowler hat has been jammed down upon it. He too can only wring his hands, or bury his face in them as suppressed sobs shake his still-vigorous frame.

I want to look away, but I keep being drawn back, mute witness to their public grief, thinking of my own children, wife, mother, waiting anxiously for my return to safe, orderly, small-town Canada. Each one of Colombia's 3,000 yearly political killings must leave behind, like this, a room full of pain, confusion, fear.

APPENDIX 4



Carepa, 12 de diciembre de 1996

17 DIC 1996

Señores
SINALTRAINAL
Subdirectiva carepa

Respetados señores:

Por medio de la presente estoy presentando mi renuncia irrevocable a ser socio de dicha organización sindical **SINALTRAINAL** Subdirectiva Carepa.

Agradezco su colaboración.

Atentamente.

[redacted]

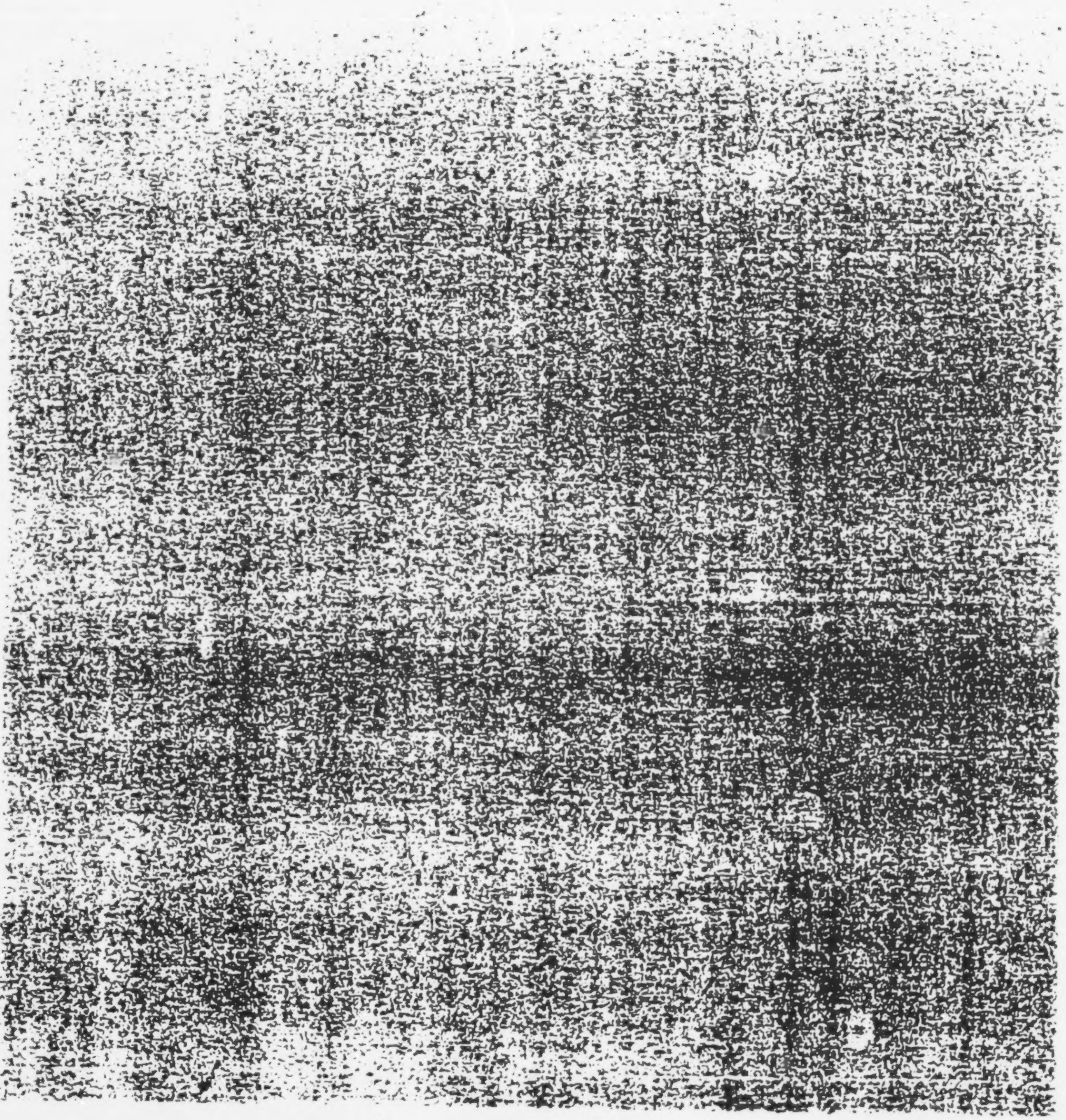
Copia: Sinaltrainal Bogotá
Bebidas y Alimentos de Urabá S.A.
Ministerio de Trabajo

Dear Sirs:

By this letter I am submitting my irrevocable resignation as a member of the labour organization, SINALTRAINAL, Carepa Local.

Thank you for your cooperation.

Sincerely,



ANNEX E:

Economic, Social and Cultural Rights in a Neoliberal Mexico

ICCHRLA RESEARCH PAPER

ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN A NEOLIBERAL MEXICO

by Pamela Friedman

Prepared for the Inter-Church Committee on
Human Rights in Latin America

with the assistance of the
Human Rights Internet and the John Holmes Fund and
with research assistance from David Cozac and Katie Bellamy

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I. Introduction: It All Depends on What Numbers You Look At

Almost four years after the North American Free Trade Agreement (NAFTA) was enacted, solidifying neo-liberal reforms in Mexico, there is an ongoing debate regarding the impact of NAFTA on the Mexican economy. NAFTA is part of a world-wide neo-liberal phenomenon, which includes the globalization of production and the deregulation of capital controls. It signifies a greater return on capital investment for some individuals, but the majority of people have been adversely effected. This rapid economic transformation has incurred a high cost: a diminished ability of the state to protect domestic industry and workers from global competition and financial markets. In a "global village" the state no longer has the authority to ensure economic and social security. Neo-liberalism and the globalization of capital begs the philosophical and moral questions regarding the accountability and responsibility of big business and multinational corporations to society. The economic, social and cultural implications of a global marketplace can be disastrous at the grassroots level and Mexico provides a clear case in point.

Much of the analysis on the effects of NAFTA focusses on certain macro indicators, thus limiting the definition of economy to the capital and current account, currency value, interest rate, and other factors at the national level. It is invalid, however, to assume that a limited set of numbers at the macro level are a reliable gauge of a "healthy" Mexican economy. Even if certain of Mexico's macro indicators have improved, the average Mexican's economic situation has not. Because Mexico's macro economy does not necessarily reflect the average Mexican's quality of life, the debate regarding the impact of NAFTA on Mexico is both complex and extensive.

The definition of "economy" that this paper will explore takes into account other economic indicators not normally included in the macro-economic analysis: distribution of wealth, poverty levels and employment opportunity, with a focus on the maquila industry, child labour, and the growing phenomenon of migration. It will also explore in some detail, the effects of NAFTA on rural Mexicans' basic rights to subsistence, emphasizing the changing nature of land tenure, guaranteed pricing and credit availability.

II. The Unequal Distribution of Wealth

Since the peso devaluation of December 1994, that occurred as a result of the Mexican government's neo-liberal economic program, and only 11months after NAFTA was enacted, the number of Mexicans living in extreme poverty has increased by 5 million[1], making the total 22 million.[2]

In 1997 workers' wages remained one-third lower than before the peso crisis, and the number of working Mexicans was still below 1994 levels.[3] Mexico's income distribution became more unequal in the 1990s, and Mexico has, according to the World Bank, the sixth most unequal distribution in the world.[4] Real wages in 1996 were below what they were in 1981, and the Mexicans doing best were those with ties to the US economy, either via trade or migration.[5] Two out of three Mexicans themselves reported their personal economic situation to be worse in 1996 than in 1993.[6]

The latest macro analysis of Mexico points to high levels of growth. However, there is an important footnote to the numbers: the levels of growth are concentrated at the highest levels of business. "Eighty per cent of Mexico's exports are generated by only 700 firms, and NAFTA has not resulted in widespread modernization of Mexican industry."[7] According to economist Nora Lustig, of the Brookings Institute, this signifies an uneven impact of free trade.[8] Owners of large exporting businesses and industry near the US border have benefitted, often in partnership with American or Canadian companies; small or medium businesses or domestic industry outside of northern Mexico have not. Furthermore, Mexican government loans most frequently are granted to big business and banks that cater to foreign markets. In the context of successive economic crises, small business and domestic business have a more difficult time surviving.

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[1] Extreme poverty is measured in terms of an individual's or family's ability to purchase a basic "basket" of goods including food, clothing and housing. Mexico's total population is approximately 95 million.

[2] Mexico News, "Mexico/US Migration", 3 August 1996.

[3] Ricardo Sandoval, "Mexico's Improved Economy Draws Guarded Optimism", Knight-Ridder/Tribune News Service, August 19, 1997.

[4] "Mexico/US Migration".

[5] Ibid.

[6] Los Angeles News Service, Printed in the San Antonio Express-News, September 13, 1996.

[7] "Lopsided NAFTA", Industry Week, No.246, January 20, 1997, p. 20.

[8] Ricardo Sandoval.

An outgrowth of the neo-liberal agenda is an increased concentration in wealth and a decrease in social spending. Ten percent of the population consumes 70 percent of the goods and services.[9] On the other hand, 50 percent of the population receives only 16 percent of the national income.[10] It is true that privatizing state-run companies and opening financial markets has benefitted wealthy individual entrepreneurs. Yet workers have lost certain protections, unions are diminishing in power, and labour laws are not enforced.

Moreover, with the decrease in social spending (a trend that started with IMF austerity measures in the 1980s) has come less money for education and health care. While the scope of this study did not allow for a detailed examination of social spending, the authors recommend that ICCHRLA consider doing so in any future examination of Mexicans' social rights.

III. Poverty and Unemployment

Neo-liberals have always claimed that NAFTA would create Mexican jobs. Their optimism is based on the assumption that due to the inflow of American and Canadian industry, there would be an increase in demand for Mexican labour. This would also ideally help curb Mexican migration to the North in hopes of better employment opportunities. But after four years, it is clear that this has not happened.

1.85 million jobs were lost in 1995 due to a number of factors. The peso crash forced many small and medium businesses into bankruptcy. Mexican state-owned companies continued to be privatized to guarantee the influx of foreign capital. In addition, as consumption of American and Canadian imported goods increased, traditionally protected domestic industry became vulnerable, unable to survive and closing down due to foreign competition. "A recent study by the National Autonomous University of Mexico (UNAM) recorded that the numer of people working in the underground economy – 12.5 million – now outnumbers those working in the formal sector – 11.8 million."[11]

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[9] El Financiero Weekly International, July 14, 1996.

[10] "Mexico/US Migration".

[11] "'All This Does Not Help Us to Live': Systematic Human Rights Violations in Mexico, January 1995 - March 1996", ICCHRLA Special Report, Toronto, April 1996, pp. 7-8.

With increasing unemployment have come increasing poverty levels. According to a 1996 study by Mexico's National Autonomous University, 50 percent of all Mexicans are considered poor, a 19 percent increase in three years.[12]

IV. The Alternatives

The massive layoffs that followed the commencement of NAFTA, the bankruptcy of domestic business, the destruction of union power and the abandonment of agricultural ejidos (communal land holdings) has forced people to search for new ways to attain economic security including: maquila plants, child labour, and migration. These alternative modes of employment and income generation have had an adverse impact on the quality of life of the average Mexican.

a. Maquilas

Maquilas, referring to export assembly plants, are the major source of new jobs for the Mexican eocnomy. Since NAFTA came into effect, there has been a 50 percent increase in the maquila labour force. The majority of maquila workers (known as "maquiladoras") are young women who assemble imported goods into a finished product for export. The maquilas are exempt from tariffs on imported raw materials and components as long as the final product is exported. By April 1997, there were 873,700 maquila workers, up 21 percent from April 1996.[13] Maquiladoras earn an average of $5 to $7 a day plus benefits, down from $9 before the peso devaluation.[14]

The pressure for cheap, dispensable labour from the Canadian, American and Mexican governments and multinational businesses has resulted in low wages and poor living conditions: maquiladoras are part of the "flexible work force" of the neo-liberal agenda. Demands placed on them by employers often violate their rights as workers and as women. There is no right to strike and no right to organize or to associate freely. Often the women are sexually harassed and raped without legal recourse. The average worker cannot work more than a few years due to disabilities such as blindness or arthritis, resulting from unhealthy working conditions. Moreover, women do not receive a guarantee of stable employment. For example, maquiladoras in the state of Coahuila must take 12 pregnancy tests each year. If a woman is found to be pregnant, the employer can fire her at will.[15]

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[12] Migration News, "Mexico: Immigration and Poverty", February 4, 1997. Poverty is measured in terms of an individual's or family's ability to purchase a basic "basket" of goods (food, clothing, housing, etc.) and services (transportation, water, electricity, etc.).

[13] Migration News, "Mexico: Immigration, Politics, Border", July 4, 1997. In the months following the peso crash the maquiladora sector was the only one demonstrating growth among Mexican business and industry.

[14] Ibid.

b. Child Labour

There are 9 million children living in extreme poverty in Mexico, according to UNICEF. Since NAFTA came into effect, there has been a 100 percent increase in the number of Mexican children living and working on the streets of the capital.[16]

Following the December 1994 peso devaluation, the incomes of poor Mexicans dropped by half and "the ensuing economic desperation, brought new waves of children into the [agricultural] fields to supplement their parents' shrinking earnings."[17] Although children under the age of 14 are legally prohibited from working, there are 800,000 child labourers between the ages of 6 and 14 in 14 different sectors of the economy.[18] The rise in export-oriented agriculture and successive economic crises has led to joint-ventures between Mexican and US growers that "are achieving greater competitiveness at the cost of children working in the fields."[19]

> "3,000 children work in the green onion harvest in the Mexicali Valley. Beginning in October and running through June, the season coincides with the school year. Even though the population of the area is growing, rural schools have lost children almost every year. The companies pay 80 or 81 centavos for a dozen bunches of onions. For an adult this can amount to fifty pesos ($6.66US) a day. A child, on the other hand, might produce twenty or thirty bunches; roughly half that of an adult."[20]

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[15] La Jornada, December 11, 1996.

[16] Reforma, December 14, 1996.

[17] David Bacon, The Nation, "Mexico's New Braceros: How NAFTA Promotes Child Labour - and Truancy - in the Onion Fields", No.264, January 27, 1997, p.18.

[18] Secretariat of Labour and Social Forecasting, Mexico.

[19] David Bacon.

[20] Ibid.

c. Migration

One of the arguments in favour of NAFTA was that eventually there would be a decrease in the number of Mexicans migrating to the United States. Thus far, the contrary is true. More Mexicans are attempting to enter the US at the border illegally. In 1994, as many as 800,000 Mexicans entered the United States in search of work, almost half of those illegally. Some agro-business owners have moved production back to the US from Mexico, increasing the illegal entry of Mexicans as there is an increased demand for migrant farm workers.[21] Tens of thousands of peasant families (1.8 million people in 1994) are on the move to Mexico City and northern industrial cities; from there many enter the United States illegally searching for economic security: "Many of the new migrants are moving directly to northern border states, where they can find work as grape or orange pickers, and from there move to the United States."[22] But the United States has, through anti-immigrant legislation and the militarization of the border region, made it increasingly difficult for people to go where the work is.

The increase in poverty and the decrease in stable employment opportunities in Mexico has also led to an increase in migration to Mexico City: it is estimated that 1,000 people arrive in Mexico City every day. There, "rural-urban migrants are sometimes forced to sleep on the streets and make a living selling chewing gum to motorists, washing windshields or begging. In some instances, the migrants work at night to avoid extortion by the police.[23]

V. Cash for Whom?

> "What we need is to produce food first for people to eat here in Mexico, where people are actually hungry and where no one buys these green onions. The government makes the same kind of argument about the maquilas -- that they bring jobs. Yes, they bring jobs, but what kind of jobs? Are they really jobs with a future, that a family can live on?"[24]

Even though at the macro level, green onions help boost export numbers, -- as do maquilas -- green onions are a cash crop that reaps profits for the owners of the agro-industrial farms, not the average agricultural worker. The green onion has a devastating effect on the local Mexican economy. It cannot provide subsistence for the average Mexican family, and perhaps more importantly, cannot contribute to their future economic security.

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[21] Migration News, "Mexico: Migration and NAFTA", November 2, 1995

[22] Ibid.

[23] Ibid.

[24] David Bacon.

In light of this, it is essential to ask the question: Who is NAFTA good for? In 1993 Tony Clarke, then chair of the Action Canada Network, stated that, "NAFTA is little more than a corporate bill of rights that accentuates the priority of capital over labour; corporations over communities."[25] In the same year, Bishop Carlos Quintero Arce of Hermosillo Diocese in Sonora state spoke about the implications of NAFTA at the grassroots level in Mexico: "NAFTA places no priority on ending poverty and does little to ensure the dignity of work or the rights of workers, principles grounded in traditional Catholic social teachings. Unless it does so, it will just widen the gap between those who have much and those who have nothing.[26]

VI. The Agricultural Sector

1. a) Reforming the agricultural sector in Mexico

Beginning in the mid 1980s, economic reforms were introduced which transformed Mexico's agricultural sector. Emphasizing modernization, the agricultural liberalization policy was guided by the goal of restructuring the sector so that it would become a more efficient producer on an international level. Among the objectives of the government were the withdrawal of universal subsidies for food and agricultural supplies; the eventual elimination of guaranteed prices for all grains and a move towards market-driven prices; a reduction in the role of agricultural parastatal agencies; and a reduction of credit to small farmers producing basic products destined for the domestic market.

Essentially, the government decided that the revamped agricultural sector would emphasize agroindustry, not the family farm. Exports were to take precedence over production for the domestic market. As well, the government structured the agricultural sector so that it would reap the benefits of high returns on producing exports for foreign markets relative to low returns on goods produced for low-wage domestic consumers.

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[25] National Catholic Reporter, "While NAFTA is Needed, This is Not the NAFTA We Need", October 30, 1993, p.28.

[26] Ibid.

b) The impact of NAFTA

The North American Free Trade Agreement (NAFTA) was key to realizing these objectives of the government. Traditionally, international trade agreements have treated agriculture differently from other goods. NAFTA, however, took the unprecedented step of treating agriculture prominently in the agreement. Indeed, the incorporation of agricultural business in the NAFTA negotiations was very controversial, not least because of the significant imbalances which exist between the agricultural sectors in the US, Canada and Mexico. Fear was widespread that NAFTA's impact on these sectors in the US and Mexico in particular, would be uneven, since the United States had extensive farm-support programs, was technically superior and had more abundant natural resources. Mexico, in comparison, had only minimal infrastructure for agricultural production and lacked any competitive base. In short, Mexico had more to lose.[27]

During the NAFTA negotiations, Mexico succeeded in having both corn and beans, by virtue of their being "sensitive" products and strategically important to the country's agricultural sector, excluded from the immediate effects of the liberalization strategy. Both grains were to be gradually opened up to the dictates of the international market over a period of fifteen years (ending in 2008), by which time all protective measures and duties will have been eliminated. The negotiation of these basic grains exemptions was presented by the Mexican government as a triumph, since it permitted long-term protection and a gradual transition for less competitive and more vulnerable producers. In the years since, however, not only has there been declining per capita domestic corn production but also corn imports have increased significantly, often exceeding quotas and often without duties placed on them, as provided for under NAFTA. As the Mexican Action Network on Free Trade (REMALC) writes in a 1997 report, "the architects of the agricultural policy decided to do away with the 'extraordinary protection' given to corn for fifteen years as stated in NAFTA, and [in three years] it has now reached year fifteen".[28] Adds REMALC, commenting on the Mexican negotiators' so-called triumph, "the facts contradict the neoliberal illusions".[29]

c) General impact

With the liberalization and globalization of the agricultural sector, the government is left with little room to develop strategies to augment basic grain production and stimulate the rural economy. While large-scale producers and exporters are succeeding under the reforms, small-scale farmers and campesinos are being forced off the land and rural poverty is increasing. Clearly, the reforms are not benefiting all Mexicans. Indeed, by not attempting to regulate the national economy and instead relying so heavily on market forces, Mexico is exposing itself to adverse consequences in regard to income disparity[30], the environment, the survival of small and medium-scale producers and indigenous peoples, nutrition, as well as the very economic and political stability of the nation.

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[27] Statistics would seem to bear this out: Mexico's agricultural exports to the US constitute 75% of its total exports; 69% of its imports come from the US. On the other hand, the United States' exports to Mexico constitute only 6.8% of its total exports.

[28] Espejismo y Realidad: El TLCAN tres años despues, REMALC, 1997, p. 94.

[29] Espejismo 95.

d) The revamping of the ejido system

The 1992 constitutional reform of the ejido system was one of the most significant and far-reaching changes arising from the government's liberalization of the agricultural sector in Mexico. The reform was key to the government's intention to create a free market of Mexican land. Furthermore, for both the new agricultural model and NAFTA, the ejido system was considered a barrier.

One of the goals following the Mexican Revolution was the redistribution of land. The subsequent land reform redistributed hacienda land (traditional holdings of large landowners) by creating ejidos, whose members could work the land individually, or collectively, depending on political and economic circumstances. Although the community members – the ejidatarios – did not have the right to sell, rent, or mortgage the land, their parcels were considered to be private property, to work as they pleased within the guidelines established by the community itself.

In 1992, however, reforms instituted by the government significantly changed the rules for land ownership and use. Amendments to the hallowed Article 27 of the Constitution ended the government's historic commitment to provide land to Mexican peasants and paved the way for the privatization of Mexico's social sector, of which ejidos are a part. The amendments included the termination of land redistribution; the granting to ejidatarios of the right to sell, rent or mortgage their individual parcels, and to enter into joint ventures and contracts with private investors; and the elimination of the requirement that ejidatarios had to work their land to retain control. The reforms also provided for a decentralized government bureaucracy to certify ejido rights, title ejido parcels and settle land disputes. In terms of land ownership, while individuals would still be limited to one hundred hectares of land, foreigners could purchase land on much the same basis as Mexicans, and both foreign and domestic corporations could own up to 2500 hectares.[31]

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[30] Between 1984 and 1992, the wealthiest 10 per cent of Mexican farmers saw their income increase by 25 per cent, while the poorest 10 per cent saw their income fall by 3 per cent.

[31] Even though the revised Article 27 does maintain limits to private property, there is not much confidence that these limits will be enforced given the government's past history of protecting large

There are serious concerns that the new ability of ejidatarios to enter into joint ventures with the private sector will not work to their benefit, since such ventures are not appealing to investors and are more difficult to manage than originally believed. Private investors are usually unwilling to sustain long-term commitments as market and production conditions change. They are also unwilling to commit to conservation activities that, for local farmers, are normally a part of the production process. As well, given the unwillingness of investors to share their profits and the ejidatarios' lack of capital to invest, it seems unlikely that either domestic or foreign investors will want to enter into direct relationships with ejidos.

In the end, the reforms affecting the ejidos will be effective in promoting only a small group of farmers into export production. For the remaining ejidatarios, many of whom work plots that are either too small or which are of marginal quality, and who are cut off from the institutional and financial support which would have enabled them to continue to farm within the market-oriented agricultural sector, they will be unable to compete. Many of them could end up losing their lands, resulting in a growth in landless rural workers and urban migration.[32]

To be sure, changes were needed to the ejido system. Land parcels were becoming smaller with each generation. Individualism and corruption by ejido officials, as well as land grabbing by the most powerful, had led to increased social stratification. However, the reforms largely ignored social and economic concerns such as maintaining food security, promoting rural development, absorbing rural labour and preserving cultural values. More generally, by terminating land distribution and opening up the ejidos to land transfers, the government made land more of a commodity and less of a national resource to be used for socially productive purposes. By favouring the individual over the communal, and financial over moral considerations, the state released itself from its revolutionary responsibility to supply land to peasants and promote the common good.

2. Chihuahua: A Case Study

i) Reforms

Chihuahua serves as an interesting example of the effects of governmental reforms in the agricultural sector. Situated on the border with the US, Chihuahua is Mexico's biggest state whose agricultural output is largely dedicated to cultivating corn and beans. It has been hard hit in several areas as a result of economic liberalization: credit given to farmers; subsidies for agricultural supplies; and guaranteed prices.

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landowners and its current faith in market forces.

[32] To date there are no conclusive statistics regarding landlessness and migration. This is due in large part to the huge backlog in the new land titling process.

a) Credit given to farmers

Neo-liberal reforms, especially directives issued by the World Bank, led to substantial changes in government credit to farmers during the 1980s and the first half of the 1990s. In Mexico as a whole, between 1980 and 1988, total credit to farmers, given through Banrural (Rural Development Bank), was reduced by almost one-third. However, Chihuahua largely escaped feeling the effects of this reduction in credit. In 1990, though, with the initiation of the government's program to modernize the agricultural sector, Banrural reduced its credit coverage from 300,000 hectares to 100,000 hectares.[33] As a result, more than 10,000 campesinos in Chihuahua lost their credit.

Between 1989 and 1992, Chihuahua experienced a reduction of some 75% in the land area covered by Banrural, as well as a reduction of 37% in total financing.[34] Many campesinos turned to Pronasol (National Solidarity Program), which the government had implemented to minimize the effects of the reduction in credit from Banrural. The campesinos preferred the credit given by Pronasol, since their loans were interest-free. Pronasol supports up to six hectares of land per campesino, since this figure is what the government believed was the national average. However, the average in Chihuahua is between ten and fifteen hectares, due to the low yields in comparison with other regions in Mexico. Consequently in 1992 for example, support by Pronasol covered only 130,000 of the almost 900,000 hectares of agricultural land in Chihuahua state.[35]

Reforms to the credit system in the agricultural sector have created a situation in which credit is not sufficient even to maintain the campesinos on the margins of subsistence, and does little to maximize the potential of traditional agriculture.

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[33] This decision was partly due to the fact that the company which provided agricultural insurance, ANAGSA (National Agriculture and Cattle Insurance Company), folded in 1988. It soon became evident that if Banrural loaned money, it was because ANAGSA would have covered the credits in case of crop failure.

[34] Carlos A. Heredia and Mary E. Purcell, The Polarization of Mexican Society: A Grassroots View of World Bank Economic Adjustment Policies, Equipo PUEBLO, Mexico, December 1994.

[35] In addition, in the early 1990s, the federal government instituted Procampo (Program of Direct Support to Campesinos), the objective of which is to give support to campesinos who grow such basic grains as corn, beans and wheat. The money given under Procampo need not be paid back; however, the campesinos must prove that they are growing at least one of these crops. The main problem with this program, though, is that financial support is not given until their crops have already been established. Yet, poor campesinos, especially, need the money at planting time in order to be able to grow and harvest their crops. Although officially given for agricultural production, the Procampo money has come to be used as an indispensable source for covering daily living expenses – for the very survival of the campesinos themselves.

Agricultural producers are thus divided into two groups: those which have the potential to compete internationally and those which don't.

b) Subsidies for agricultural supplies

The government has reduced subsidies for fertilizers, seeds, fuel and other supplies essential to agricultural production. As a result, many campesinos can no longer purchase the supplies they need. Up until recently, the government had been the principal provider of fertilizer and seeds, through the state companies Fertimex and Pronase respectively. However, the government was forced by the World Bank in the late 1980s to eliminate or reduce subsidies which the Bank viewed as a trade barrier. In the case of Fertimex, in October 1991 a new system was introduced which fixed all of its prices at international levels, leading to higher prices for seeds.

In Chihuahua, the new programs aimed at making the agricultural sector more profitable and productive – of which these reductions or eliminations of subsidies for agricultural supplies are a part – benefit, above all, large-scale producers, since the aim of these programs is essentially to strengthen the export sector, and not those who produce basic grains. Consequently, there has been a shift in focus as to which players in the agricultural sector will benefit from government assistance. In 1997, the fertilization and irrigation program (Programa de Fert-Irrigacion) had 17.9 million pesos available to hand out to 121 mainly fruit and cattle producers growing for export. On the other hand, the rural supplies program (Programa de Equipamiento Rural) had 6.9 million pesos to be shared among nearly 4500 campesinos who grow corn and beans – and they represent only 3% of the total campesino farmers in the state. Thus, each of those 121 producers, who belong to the modernized sector, receive an average of 148,450 pesos in support, while the basic grains producer receives an average of 1550 pesos.[36]

c) Guaranteed prices

To protect small-scale producers from wide fluctuations in the price of their products, the government had instituted guaranteed prices. Beginning in 1981, however, the guaranteed prices were gradually eliminated, except for beans and corn, whose prices were reduced. Between 1981 and 1990, the real guaranteed price of corn fell by 39%; for beans, it fell by 27%.[37] Prices for these two grains will eventually be set by supply and demand forces in the market. For producers in Chihuahua, where the cultivation of these basic grains is the backbone of the state's agricultural sector, they need to know these prices in advance in order to be able to plan their harvest. Fluctuations in the market prices of these grains, especially when the market is completely open to cheap imports, will make it virtually impossible for small-scale producers to survive.

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[36] Respuestas Campesinas Frente a la Exclusion: El Caso de las Zonas de Temporal del Estado de Chihuahua. Frente Democratico Campesino y Equipo PUEBLO, June 1997. The peso is currently valued at approximately 8 pesos to $1 US.

[37] Polarizacion, 16.

The liberalization of the agricultural sector has had both positive and negative effects for Chihuahua. Reductions in import duties have signified a marked increase in the importation of cheap basic grains against which campesinos cannot compete. On the other hand, it has paved the way for the cheap importation of supplies that benefit the producers, especially small-scale ones. Nevertheless, these cheap, imported supplies have often not compensated the producers for increases sustained in the prices following the elimination of subsidies.

Generally speaking, for the Chihuahuan agricultural sector, the strategy is to promote agroindustry and specialiization in products with greater value for the domestic and international market. This view is born out of a global perspective that stresses efficiency and financial earnings over socio-cultural and human factors. It is not surprising, then, that the strategy does not respond to the needs of basic grains producers and campesinos. Indeed, it emphasizes that the production of basic grains is not competitive on a global level, and even suggests a transition to other, more profitable products. However, no plan is offered for such a transition. Moreover, due to the nature of the land and the lack of rain and mechanized irrigation, there are few possibilities to cultivate other products. World Bank officials recommended that campesinos in Chihuahua engage in, for example, strawberry farming. Yet, apart from the fact that strawberries cannot be produced competitively in Chihuahua, such a transition would require financing, training, as well as technical and marketing assistance, and there is no government assistance in any of these areas.[38] Thus, although the agricultural sector will likely continue to be a principal source of income for Chihuahua, there will be less jobs in that sector. In other words, fewer (ie: larger) producers will produce more profitable products for export.

ii) Impact on the people of Chihuahua

For most families in Chihuahua, as in much of the rest of Mexico, the economic effects of liberalization of the agricultural sector have been dramatic and largely negative. Perhaps the most striking change has been the decrease in agricultural activity and the resultant increase in urbanization. For example, between 1980 and 1990, the percentage of activity by the primary sector (agriculture, cattle, fishing) in Chihuahua fell from 24.7% to 17%. During this period of time, the number of landowners fell by more than 50%.[39] Between 1990 and 1995, urban migration made significant inroads: Chihuahua's 36 rural municipalities registered an annual 8.7% decrease, while the population of the state overall rose by 14% during that period.[40]

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[38] There is also the possibility of cattle farming, which has increased in Chihuahua since liberalization of the agricultural sector eliminated export permits for cattle products. Nevertheless, there remains the question of using land for a product which is to be largely exported (cattle) instead of using land to grow products (basic grains) essential for the domestic economy.

For families who continue to farm, they must invariably diversify their incomes.[41] Some family members migrate to the urban centres in Chihuahua. A great many others, however, because of the proximity to the border, try their luck in the US (Indeed, it is becoming more and more difficult to come across a family that does not have at least one family member working there and sending money back home.) However, the new anti-immigration bill in the US, which came into effect in April 1997, increases the penalties against employers of illegal immigrants, and withdraws social benefits to migrant families there. This legislation has caused grave concern in Mexico, since it portends a massive return of Mexicans, with serious consequences for the country (especially Chihuahua, since it is situated on the border). Not only is there is insufficient work for the nearly 3 million Mexicans without documentation who live in the US, but also it is estimated that Mexican families receive close to US $4 billion annually from family members in the US.[42] Where that money will come from amid a revamped agricultural sector in Chihuahua is not clear.

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[39] Polarizacion 17.

[40] Respuestas 23.

[41] A recent study by the Frente Campesino Democratico determined nine possible sources of income for Chihuahuan campesinos: harvest, fruits, cattle, day labour, regular jobs, money sent from relatives in the US, business activities, as well as credit from either Procampo or Pronasol. The study also notes that many families do without a great many necessities due to a loss of income. Some families are unable to purchase new clothes and shoes. Others have stopped buying meat and cheese, as it has become too expensive. For other families, it has become very difficult to fix their homes and buy furniture, and even to pay for the education of their children (Reported in Respuestas 22).

[42] The figures come from the Binational Study on Migration, released on 2 September 1997. The study was coordinated by the Mexican Foreign Ministry and the U.S. Commission on Immigration Reform. It is the first formal migration study to be sponsored by the US and Mexican governments. The study also reports that the Mexican-born population living in the US numbers between 7 million and 7.3 million.

ANNEX F:

Santiago Summit Documents

Annex F
Santiago Summit Documents:

a) Preparing for the Santiago Summit (ICCHRLA board discussion paper)

Preparing for the Santiago Summit

(N.B.: Underlined sections are policy statements/recommendations)

1. Possible Strategies or Approaches

Read options (A) and (B) below and consider which of these approaches ICCHRLA should prioritize.

A. Engage on the agenda set by the Heads of State of the Americas

Do we focus on critiquing and seeking to amend/improve the Free Trade Agreement for the Americas (FTAA) process ... call for social charter, more democratic process of policy formulation, accountability, etc.?

AND/OR

B. Call for a different and broader agenda (that which our partners are calling for)

Do we expose the devastatingly negative impact on human rights throughout the region of the entire economic model and call for an alternative approach to integration, requiring a radically different set of priorities?

2. Elements of ICCHRLA's Policy Position

A. Advocate for an Alternative Vision based on Ethical Values

Read this section and be prepared to state if you agree that this is what ICCHRLA should bring to Santiago; are there elements which are missing, should be stated in a different way or dropped?

ICCHRLA – a coalition formed by more than 20 Canadian churches and religious communities to monitor and respond to human rights violations in Latin America – is participating in the Canadian delegation that will attend the Santiago Popular Summit in order to raise up the concerns of our church and human rights partners in Latin America who communicate to us an urgent message: unemployment and poverty are growing at an alarming rate throughout the region, creating a crisis of enormous proportions. The Latin America Bishops Council describes the situation as a "powder keg" that could "blow up" at any moment. Every day, there are more people who eat less, say human rights groups like the Defensoría Maya in Guatemala. Economic and social policies have reduced most people's living conditions to "previously unthinkable levels", state the Venezuelan Bishops.

This is one of the most pressing human rights issue facing the region – a situation of death, as Bishop Samuel Ruiz of San Cristobal de las Casas has called it, referring to the incidence of disease and premature death brought on by chronic malnutrition in Chiapas, Mexico – and one which our heads of state must make a priority to address within any integration proposals.

While poverty, unemployment and social disintegration are growing throughout Latin America, many of the region's governments are boasting that their economies are growing. Clearly, an ever smaller number of people are benefiting from that macro-economic growth. "There is no longer a gap between the rich and the poor, there is truly a bottomless abyss", states the Latin American Bishops Council. Ordinary people work more but earn less, conclude the Venezuelan Bishops while denouncing that "inequalities between earnings widen." [*Please note that we are waiting for statements from CLAI so that we can include an ecumenical Latin American position*]

This is a situation which must also be effectively addressed by our elected governments, as they discuss integration proposals. ICCHRLA joins our partners in Latin America, along with the hundreds of organizations who will gather at the Santiago Popular Summit, in calling on the region's heads of state for economic policies and trade agreements that have as their core objective to respond to the needs of all people and to respect rather than undermine their fundamental human rights.

Fundamentally, ICCHRLA believes that trade agreements and economic integration proposals for the Americas must seek to promote more than just economic growth, but include mechanisms to more equitably distribute the generation of wealth so as to guarantee life with dignity for all people. Any future trade agreements or integration proposals must respond to essential human needs and contain guarantees for the respect of the broad spectrum of rights which the governments of the Americas have already committed themselves to defend by signing on to the United Nations Universal Declaration on Human Rights, as well as the UN Covenant on Economic, Social and Cultural Rights.

Since economic integration proposals will have a profound impact on people's lives, formulating those proposals must be a transparent process that includes genuine consultation and real public input.

B. Use Mexico to Expose Our Concerns with Free Trade Agreements to date (link between NAFTA, militarization, repression and lack of mechanisms to address the situation)

Read this section and be prepared to state if you agree that this is what ICCHRLA should bring to Santiago; are there elements which are missing, should be stated in a different way or dropped?

1. Through ICCHRLA, the Canadian churches have monitored Mexico since 1990. Together with our church and human rights partner organizations in Mexico, ICCHRLA is deeply concerned about the way NAFTA has formalized and institutionalized trade liberalization policies that have had a profoundly negative impact on the living conditions and basic human rights of the majority of Mexicans.

Those negative impacts include:

* a growth in unemployment and drop in real wages to a quarter of earnings in 1980 (for those lucky enough to still have jobs) which has led to growing poverty and decreased the ability of families to meet their basic needs in the face of rising prices

* this has coincided with an alarming increase in crime and citizen insecurity

* one of the few sectors where new jobs have been created is in the maquilas, where labour and human rights are routinely and flagrantly abused (right to organize, right to safe conditions of employment, right to reproductive freedom, health rights, right to fair wage, etc.)

* changes in the land tenure system along with the removal of subsidies and economic supports for small farmers (in favour of subsidies for agro-exports) have made it impossible for many to survive on their land, forcing them to migrate to urban slums or the maquila zones of the US-Mexico border. Indigenous Mexicans have been among those hardest hit.

2. ICCHRLA is also deeply concerned about the fact that the implementation of NAFTA has coincided with a disturbing increase in militarization. The Mexican military budget has doubled since 1992. U.S. sales of military equipment to Mexico have also increased. Military officers now command the police forces in all but three Mexican states and the number of soldiers in Chiapas now number as high as 70,000, or one per family in the highlands.

The Mexican government argues this is aimed at reestablishing law and order in the face of increasing crime, drug trafficking and/or armed rebellion. However, the military is also being used increasingly to quell legitimate social protest. As an indigenous campesino from Guadalupe Tepeyac said: *"We ask for housing and they send planes. We ask for water pipes and they send cannons. We ask for doctors and teachers and they send soldiers, and all this does not help us to live."*

ICCHRLA is extremely concerned that trade liberalization and its institutionalization through NAFTA in Mexico has been accompanied by a clear strategy on the part of the government to use repression to control growing social opposition.

That repression is evident in events such as the violent attack by militarized police on a peaceful protest in May 1997 regarding land claims by Tarahumara indigenous people; attacks against and arbitrary detention of maquila workers attempting to organize to defend their rights; surveillance, death threats and armed attacks against human rights and church workers; the expulsion of international human rights observers and foreign priests; as well as a documented military strategy of encouraging and supporting paramilitary groups in Chiapas who have clear links to the ruling PRI party and who are terrorizing indigenous campesinos suspected of sympathizing with the Zapatistas.

ICCHRLA is extremely concerned that what has happened in Mexico – i.e. free trade agreement leading to worsening poverty and inequity, leading to social protest that is met with repression and human rights violations by state security forces – may be repeated in other countries as the FTA is expanded. ICCHRLA therefore urges that the inequities that are provoking social protest must be effectively addressed within any future integration proposal for the Americas, as well as within the existing North American Free Trade Agreement with Mexico.

C. Expose our Concerns about Canada's Role in Promoting FTAA

Read this section and be prepared to state if you agree that this is what ICCHRLA should bring to Santiago; are there elements which are missing, should be stated in a different way or dropped?

1. ICCHRLA is seriously concerned that as a member of NAFTA, the Canadian government has been unable or unwilling to publicly condemn increasing repression in Mexico and to hold the Mexican government responsible.

In the face of an alarming deterioration in the human rights situation in Mexico and growing evidence of "dirty war" counter-insurgency tactics by the Mexican military and its paramilitary allies in Chiapas, the Canadian government continues to make the promotion of increased trade links with Mexico its overriding priority, at the expense of Canada's ability to effectively address growing human rights violations.

Barely 3 weeks after a paramilitary group linked to the PRI government massacred 45 indigenous Mexicans who were attending a religious ceremony in the Chiapas village of Acteal, the Canadian government led a trade mission to Mexico that signed 91 business deals worth more than $230 million. Mexican President Ernesto Zedillo called these deals "music to my ears". The Canadian delegation also commended President Zedillo for the way in which he was responding to the massacre, even though as Commander in Chief of the Armed Forces, President Zedillo is ultimately responsible for the army's strategy of encouraging and supporting paramilitary groups. These groups were responsible for the massacre in addition to hundreds of less visible killings and attacks on indigenous people in more isolated parts of Chiapas, which continue today.

In stark contrast, just days after the killing of some 52 ethnic Albanians in Serbia, the Canadian government issued an immediate embargo and suspended export credits. Foreign Minister Axworthy stated: "Our position is quite clear that the federal republic of Yugoslavia government must understand the repressive actions taken will not be tolerated by the international community."

2. ICCHRLA continues to call on the Canadian government to make a similarly vocal and unequivocal statement about repressive actions in Mexico. We also call for a Democracy Clause like that which the European Union included in its negotiations for a trade agreement with Mexico, as a means to condition trade on human rights guarantees.

3. ICCHRLA is concerned that Canada's trading relationship with Mexico is censoring our voice within the broader international community. Canada's delegation at the United Nations Commission on Human Rights has consistently failed to discuss the deteriorating situation in Mexico. While the Canadian Embassy denounced the Acteal massacre, it has never made public the findings of an investigation that might identify those responsible.

4. ICCHRLA is also concerned about possible links between the Canadian Security Intelligence Service (CSIS) and Mexican counterparts. In 1995, at the same time that the Mexican military was circulating a black list that included the names of church and human rights workers and accused them of being "involved with the Zapatistas", ICCHRLA received a request from CSIS for information about our Mexican partners.

5. At the Santiago Summit, the Canadian government will be leading negotiations among the participating Heads of State on human rights and democracy. ICCHRLA is concerned that those negotiations exclude any discussion of social, economic or cultural rights – those rights which have been undermined by NAFTA and other trade liberalization measures and which, in Mexico, have led to social protest and subsequently, state repression. ICCHRLA calls on the government of Canada, along with the other American States, to realize their responsibility to protect *all* human rights, not just civil and political rights. Additionally, ICCHRLA is concerned that the issues of human rights and democracy are being discussed in complete isolation from the negotiations on economic integration and free trade, which in themselves threaten to undermine human rights and democracy.

D. Advocate for Human Rights Guarantees within any expansion of FTA

When you read this section, please note that disagreement remains about what mechanisms are needed to guarantee human rights are respected within trade agreements and how they should be implemented (e.g. introduce a clause in trade agreement that requires respect of existing UN and ILO Conventions vs implement a broad social charter). This matter is to be debated at the upcoming Santiago planning meeting for NGOs— at which ICCHRLA will be present— in the hope of arriving at a common Canadian position.

Which of the following options would you support?:

Option 1

ICCHRLA calls for mechanisms to ensure any integration proposals or expansion of the FTA respect, enhance and in no way undermine human rights that have been enshrined in United Nations Covenants and ILO Conventions to which we are signatory.

We should support this option, but be clear that we are not in a position to be able to say what or how these mechanisms should be implemented, leaving that to others, such as ECEJ to formulate.

Option 2

We should support former ICCHRLA Board Chair John Foster's proposal that:

i) Calls for free standing social charter with effective enforcement mechanisms *and* a clause within the trade agreement which references everything in the agreement to the standards set in the social charter;

ii) Calls for effective monitoring and enforcement mechanisms;

iii) Calls for democratic accountability, transparency and effective participation of elected representatives and civil organizations.

Option 3

We should support any consensus which may be reached at the Santiago planning meeting.

Option 4

We should say nothing on the matter of *how* to guarantee human rights within any expansion of an FTA.

ANNEX F
SANTIAGO SUMMIT DOCUMENTS

b) Press Release: ICCHRLA calls on Heads of State at Summit for Enforceable Human Rights Guarantees in any Trade Agreement

Warren Allmand, President of the International Centre for Human Rights and Democratic Development, who was a featured speaker at the Human Rights Forum of the People's Summit said: "Two weeks ago at the United Nations, both Canada and Mexico supported a resolution to protect human rights workers. Yet these women, who were acting as human rights workers have certainly not received the protection they deserve. This isn't the only case of a failure to live up to commitments made in UN resolutions. That's why human rights guarantees must be embedded in any future economic integration agreement for the Americas. We can draw on the experience of the European Union's democracy clause in their trade agreement with Mexico."

"Canada speaks so softly neither we, nor those Mexicans whose lives are in danger, can hear them," states John Foster, Ariel Sallows Professor of International Human Rights at the College of Law, University of Saskatchewan, also in Santiago for the People's Summit. "Canada should be working energetically with other countries to encourage Mexico to implement the San Andres Accords and bring peace to the region. Given the war that is taking place, international observers can contribute to the reduction of tension and the observance of human rights."

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For more information

Joe Gunn, Warren Allmand and John Foster will answer questions at a
Press Conference at the Hotel Galerias, Salon Rauli 1, 13th floor, San Antonio 65
at 3 PM on Friday, April 17,
prior to the Canadian delegation's meeting with Ministers Axworthy and Marchi.

They can also be reached for interviews at Hotel Galeria (Tel. 361-1911)
or through Patty Barrera (Cell 09-330-0031)

Inter-Church Committee on Human Rights in Latin America

PRESS RELEASE

Canadian churches call on Heads of State at Summit of the Americas for enforceable human rights guarantees in any trade agreements

April 9, 1998
For immediate release

(*Toronto*) The Inter-Church Committee on Human Rights in Latin America (ICCHRLA) – a Canadian coalition representing more than 20 major national Christian churches and religious orders – is sending two representatives to participate in the People's Summit in Santiago, Chile from April 15-18. Chairperson Joe Gunn and Communications Coordinator Kathy Price will deliver ICCHRLA's message that enforceable human rights guarantees must be included in any economic integration agreement between the countries of the Americas.

Some 2,000 representatives of church, human rights, labour, indigenous, environmental and other civil society organizations from across the Americas are expected to attend the People's Summit and will elaborate a People's Agenda to be delivered to the Heads of State who will also be gathered in Santiago for the Second Summit of the Americas on April 18 and 19. The Second Summit of the Americas will launch talks intended to hammer out a mega trade pact called the Free Trade Area of the Americas (FTAA).

"While 1998 marks the 50th anniversary of the United Nations Universal Declaration of Human Rights, the core rights it enshrines are being violated throughout the Americas, often as a direct result of neo-liberal trade liberalization policies," states Joe Gunn. "These are precisely the policies which will be deepened by the proposed Free Trade Area of the Americas."

ICCHRLA's church and human rights partner organizations throughout the hemisphere have issued urgent calls about the devastating human impact of neo-liberal economic policies, drawing attention to an alarming increase in unemployment, poverty, marginalization, economic inequality and social disintegration.

States ICCHRLA Chair Joe Gunn: "Our Christian conscience leads us to demand that this shameful situation, occurring as it does on the brink of the new millenium, must be rectified. What the peoples of the Americas want is peace, dignity and equality. Trade policies must serve as a means to that end. That is why we are urging that any trade agreement emerging from the Santiago Summit must have as its core objective, its first priority, to respond to the essential human needs of all of the region's citizens. Any agreement must also guarantee, with enforceable mechanisms, the fundamental and internationally-recognized human rights of all citizens to adequate food, just conditions of employment, fair wages, and access to health care and education, as well as to civil, political and cultural rights. After all, if increased trade, presented in the neo-liberal framework, cannot offer these rights to the people of the Americas, then why encourage it?"

ICCHRLA is extremely concerned that discussions on human rights at the Second Summit of the Americas are taking place separately from trade discussions. "Our monitoring of Mexico has shown how trade liberalization measures that culminated in the NAFTA have exacerbated existing levels of poverty and inequality, provoking increasing social protest and in turn, an alarming increase in the use of military and paramilitary repression to control that protest," reports ICCHRLA's Kathy Price. "This is a warning bell that must be heeded by the governments of the Americas. It is imperative that social inequities are addressed and that human rights guarantees be built into the terms of any new trade agreements. Separate, parallel agreements on human rights may seem to commit governments on paper but in fact provide no real, enforceable protections."

ICCHRLA is also preparing for the 18 month period after the Santiago Summit, when Canada will chair continuing negotiations on the FTAA. "International Trade Minister Sergio Marchi has indicated an openness to receive public input on how the agreement should evolve," states ICCHRLA Chair Joe Gunn. "We want him to ensure that public consultations are broadly inclusive, that the concerns of all sectors of society are sincerely taken into consideration and that trade policies are developed in response to the needs of all the peoples of the Americas."

FOR MORE INFORMATION

Joe Gunn and Kathy Price will be in Santiago from April 14 to April 20
and can be reached at
Hotel Galerias (San Antonio 65), Tel. 56-2-361-1911; Fax. 56-2-633-0821.
E-mail: rechip@reuna.cl (Subject: For Kathy Price)

Or contact Suzanne Rumsey, ICCHRLA Mexico Program Coordinator,
Tel. (416) 921-0801; Fax. (416) 921-3843

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ANNEX F
SANTIAGO SUMMIT DOCUMENTS

c) Press Release: Is trade trumping human rights? Canadian human rights groups criticize lost opportunity to defend human rights in Mexico.

PRESS RELEASE

Is trade trumping human rights? Canadian human rights groups criticize lost opportunity to defend human rights in Mexico

SANTIAGO, April 17, 1998 – At a meeting with Foreign Minister Axworthy and International Trade Minister Sergio Marchi at 4 PM today, Canadian human rights advocates will ask why the Canadian government has failed to use existing multilateral human rights mechanisms to sanction Mexico for a pattern of continued and gross human rights violations.

The Inter-Church Committee on Human Rights in Latin America (ICCHRLA) and the International Centre for Human Rights and Democratic Development (ICHRDD), along with more than a dozen other labour and social organizations participating at the People's Summit of the Americas, are to meet with the Canadian Ministers to present their concerns on the eve of the Second Summit of the Americas.

Yesterday, at the United Nations Commission on Human Rights in Geneva, Canada failed to include Mexico in its Item 10 speech identifying countries where serious human rights violations are taking place. ICCHRLA and ICCHRD have repeatedly called for such a mention as a first step to addressing an escalating human rights crisis in Mexico. That crisis took on even more ominous overtones on April 11 with the expulsion from Mexico of two Quebec women who were working as international human rights observers with the respected Mexican human rights group Fray Bartolome de las Casas, in the conflict-ridden and increasingly militarized state of Chiapas.

"We want to know whether and in what terms Prime Minister Chretien has raised the violation of the basic human rights of indigenous people in Chiapas and the disturbing expulsion of Canadian human rights observers in his private bilateral discussions with Mexican President Zedillo today in Santiago," said Joe Gunn, chair of the Inter-Church Committee on Human Rights in Latin America, an ecumenical coalition of more than 20 Canadian chuches and religious communities that is participating in the People's Summit. "It is of great concern to us that yet again Canada has failed to respond to our calls to use the United Nations to address a situation which has deteriorated into a low intensity and dirty war against the indigenous population of Chiapas. Private bilateral conversations to date have produced no real effect. If being a member of NAFTA means we are no longer able or willing to speak out publicly and unequivocally in defence of human rights or peace in Mexico, then we have grave concerns about what will happen under the proposed FTAA."

On April 11, two Quebec women joined some 200 foreigners who have been expelled from Mexico since 1997. Canadian and Mexican human rights groups maintain that the presence of international observers in Chiapas has protected the safety of indigenous people in isolated villages surrounded by hostile military and paramilitary forces.

Warren Allmand, President of the International Centre for Human Rights and Democratic Development, who was a featured speaker at the Human Rights Forum of the People´s Summit said: "Two weeks ago at the United Nations, both Canada and Mexico supported a resolution to protect human rights workers. Yet these women, who were acting as human rights workers have certainly not received the protection they deserve. This isn´t the only case of a failure to live up to commitments made in UN resolutions. That´s why human rights guarantees must be embedded in any future economic integration agreement for the Americas. We can draw on the experience of the European Union´s democracy clause in their trade agreement with Mexico."

"Canada speaks so softly neither we, nor those Mexicans whose lives are in danger, can hear them," states John Foster, Ariel Sallows Professor of International Human Rights at the College of Law, University of Saskatchewan, also in Santiago for the People´s Summit. "Canada should be working energetically with other countries to encourage Mexico to implement the San Andres Accords and bring peace to the region. Given the war that is taking place, international observers can contribute to the reduction of tension and the observance of human rights."

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For more information

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ANNEX F
SANTIAGO SUMMIT DOCUMENTS

d) People's Alternative Summit Final Declaration: Human Rights Forum

Considerando que la democracia está estrechamente vinculada a los derechos humanos y que los Estados y sus autoridades sólo se justifican, en último término, en función del respeto, promoción y garantía de esos derechos fundamentales.

Revalorizando todos los esfuerzos hechos en los países americanos por construir una agenda común de derechos humanos y asumiendo algunas propuestas recogidas para incidir en los distintos espacios de discusión y toma de decisiones en el que participan los Estados (Conferencia Mundial de Derechos Humanos 1993), Cumbre Iberoamericana de Jefes de Estado y Gobierno, Chile 1996, Asamblea General de la OEA, Lima 1997). Afirmando que la democracia, entendida como un conjunto de prácticas socio-políticas, nace y encuentra legitimidad y justificación sí y sólo sí garantiza el principio de autodeterminación de los pueblos y se dirige a la plena realización de los ideales de la libertad, la igualdad y la solidaridad.

Con la absoluta certeza de que sin justicia, ninguna gobernabilidad democrática puede estar asegurada, nos resulta necesario y urgente, que las más altas autoridades de nuestra región, incorporen en su debate el tema de los derechos humanos para la construcción de sólidas democracias en América.

En ocasión de celebrarse en 1998 la Cumbre de las Américas las Organizaciones No Gubernamentales de derechos humanos de América, ratificamos las propuestas que se han venido impulsando con la esperanza de que los gobiernos de América asuman como valores éticos de la democracia, los principios y valores aceptados por la comunidad internacional al consagrar normas de protección en materias de derechos humanos, considerando que éstos nunca deben sacrificarse en aras de modelos de desarrollo que atenten contra la dignidad humana, reafirmándose la democracia como escenario ideal para el pleno goce y disfrute de los derechos humanos.

Las organizaciones que suscriben este documento consideran de mucha importancia el encuentro de los presidentes y recomiendan tengan en cuenta:

1.-La ratificación del principio de responsabilidad única y exclusiva del Estado en la protección de los derechos humanos, la cual no puede desplazarse hacia los particulares, ni en cuanto a las garantías para el disfrute de los derechos, ni en relación a la violación de éstos.

2.-La ratificación de los principios de cooperación y coordinación entre los mecanismos internacionales y regionales de protección de los derechos humanos, así como el derecho de los particulares afectados a elegir el mecanismo que mejor satisfaga su necesidad de respuesta oportuna y efectiva, así como el derecho a una reparación que incluya la restitución , compensación , rehabilitación., satisfacción y la garantía de no repetición de los actos agraviantes, según los principios y directrices básicos sobre el derecho de las víctimas de violaciones a los derechos humanos y al derecho humanitario internacional a obtener reparación (doc.ONU E/CN 4/1997/104).

3.-La promoción, el respeto, la exigibilidad y justiciabilidad de los derechos económicos, sociales y culturales, tanto en el terreno nacional como en el internacional, mediante el establecimiento y perfeccionamiento de mecanismos judiciales y administrativos que permitan a la población exigir el respeto de dichos derechos a nivel nacional, así como el desarrollo de un sistema integral de verificación y tramitación de denuncias a nivel internacional que incluya el reconocimiento de los particulares como actores fundamentales de dicho proceso. La importancia de garantizar los derechos económicos, sociales y culturales en los procesos de integración económica y política regional.

4.-El rechazo a la imposición de medidas legislativas o económicas que signifiquen menoscabo a los derechos adquiridos de los trabajadores/as y la denuncia de la incompatibilidad entre los tratados internacionales de derechos humanos y las medidas de ajustes estructural sugeridas por las agencias financieras multilaterales que signifiquen el desplazamiento de la responsabilidad del Estado hacia particulares, en materias tales como derecho a la salud, el trabajo, la educación, la vivienda y la seguridad social o la imposición de limitaciones al ejercicio pleno de las libertades sindicales.

5.-La reafirmación de la estrecha e indisoluble relación existente entre Democracia, Desarrollo y Derechos Humanos, para lo cual es indispensable ampliar el conjunto de derechos políticos reconocidos a los ciudadanos y en especial el de la participación en las decisiones políticas, el establecimiento de sistemas electorales independientes y la promoción de programas destinados a alcanzar la autonomía, imparcialidad y profesionalización del Poder Judicial.

6.La independencia de la administración de justicia y su fortalecimiento, a partir de sistemas de designación y remoción de jueces y funcionarios/as, acordes con la idoneidad y la imparcialidad coma garantía de la vigencia de los derechos constitucionales y del acceso a la justicia para todos y todas.

7. La impunidad constituye un fenómeno internacional y generalizado en la región, cuyos efectos sobre nuestros países tienen directa relación con las dificultades que han presentado nuestras sociedades para reconciliarse y reencontrarse efectivamente con la democracia, generándose, por el contrario, fuertes tensiones que incluso han puesto en riesgo los espacios de libertades ya ganados. La impunidad, como ausencia de verdad, justicia y reparación, frente a las graves violaciones a los derechos humanos, permea y corroe nuestras sociedades en sus basamentos éticos y morales . En este sentido , es urgente que las autoridades de nuestra región reconozcan las fallas de los sistemas jurídicos e implementen las reformas nesesarias para erradicar la impunidad.

8.La creación de una Corte Penal Internacional Permanente es nesesaria como complemento a los sistemas judiciales nacionales para investigar y procesar por graves delitos como el genocidio, los crímenes de lesa humanidad y las serias violaciones de las leyes humanitarias interancionales. Instamos a los Estados a comprometerse a crear una Corte Penal Internacional justa, eficaz e independiente, mediante la elaboración de un estatuto progresivo durante la próxima Conferencia Diplomática en Roma.

9.-La importancia de garantizar el habeas corpus y el amparo como recursos breves, sencillos y efectivos para la protección de los derechos fundamentales. El rechazo contra toda medida que atente contra el pleno disfrute del derecho a la vida, la integridad física y la protección contra la desaparición forzosa, derechos que se ven particularmente afectados a causa del abuso de poderes excepcionales por parte del ejecutivo, el fuero militar –en ocasiones extendido a cuerpos policiales- y medidas prejudiciales que en la práctica se convierten en obstáculos a la justicia, las amnistías a responsables de violaciones de los derechos humanos, la extensión del secreto sumarial más allá de todo límite, la interferencia del poder ejecutivo o de fuerzas económicas o políticas en el poder judicial y otros mecanismos que facilitan la impunidad.

10.-El establecimiento de canales y mecanismos que aseguren una creciente intervención de las mujeres, minorías, niños y adolescentes, grupos étnicos, pueblos indígenas, comunidades negras, discapacitados, aquellos discriminados en razón de su orientación sexual y otros sectores discriminados o vulnerables, incluyendolas en la toma de decisiones que afecten y comprometan el disfrute de sus derechos.

11. Recomendamos a los Estados incorporen en sus legislaciones, normas que garantizen un ejercicio libre y responsable de los derechos reproductivos, profundizando la prevención y la plena información de las mujeres, y servicios públicos de la salud gratuitos que permitan el acceso voluntario de éstas a los métodos preventivos relacionados con su salud reproductiva e integral.

12.-El impulso de programas de formación en Derechos Humanos hacia los funcionarios encargados de hacer cumplir la ley, así como a las Fuerzas Armadas, la incorporación de los Derechos Humanos en los programas de educación formal y no formal desde el preescolar hasta la educación superior y la adecuación y perfeccionamiento del ordenamiento jurídico interno al Derecho Internacional de los Derechos Humanos, con el objeto de promocionar con seriedad y eficacia una cultura acorde con el respeto y la defensa de los Derechos Humanos, por parte de los Estados.

13.-La inclusión de la perspectiva de género en los niveles de los organismos normativos nacionales e internacionales, en los programas, textos, informes que se laboren, que contribuya a una lectura de la realidad reveladora de las causas y efectos de la discriminación contra las mujeres de modo que permita superarla y desarrollar una cultura de participación igualitaria, que valore en toda su dimensión las posibilidades y aportaciones propias de la mujer.

14.-La ratificación de los Pactos e Instrumentos protectores de los Derechos Humanos por parte de todos los Estados, sin reservas que disminuyan su eficacia. En particular recomendamos la ratificación del Pacto de San Salvador sobre Derechos Económicos Sociales y Culturales. El envío regular de peticiones por la Asamblea General de la OEA para que los Estados no ratificantes expliquen su reticencia. El impulso de nuevos mecanismos que garanticen la efectividad de los derechos económicos, sociales y culturales como un Protocolo Facultativo del Pacto Internacional de Derechos Económicos, Sociales y Culturales de las Naciones Unidas.

15.-El cumplimiento por los Estados de las observaciones y recomendaciones formuladas por los distintos órganos del Sistema de Protección Universal y Regional de los Derechos Humanos.

16.-La aplicación del Derecho al Desarrollo como un derecho universal e inalienable y como parte integrante de los derechos humanos fundamentales, tal como ha sido declarado por la Asamblea General de la ONU en 1986.

17.-Poner énfasis en la transparencia de la gestión pública, y en particular, en la creación de mecanismos concretos para garantizar la participación ciudadana en el diseño, supervisión e implementación de políticas públicas a nivel nacional e internacional. Asimismo, garantizar la creación de mecanismos de participación y fiscalización ciudadana en las instituciones financieras internacionales, la OMC, el Grupo de Revisión de la Implementación de Cumbres y la OEA.

18.-La protección del medio ambiente como derecho indivisible e interdependiente con los demás. Sólo a través de políticas de desarrollo que garanticen un medio ambiente seguro, sano y ecológicamente racional se puede satisfacer equitativamente el derecho a la vida digna de las generaciones actuales, sin afectar el derecho a las generaciones futuras a satisfacer equitativamente sus necesidades. El carácter irreversible de los daños ambientales, exige que los Estados consideren prioritario evitar actividades que reviertan el impacto ambiental frente a los beneficios económicos inmediatos que puedan generar. Se deben establecer mecanismos que garanticen que los países desarrollados asuman el costo de los gastos ambientales de las actividades, tanto públicas como privadas, generadas en los países en desarrollo, estableciendo controles que minimicen dichos gastos, así como respondiendo debidamente a los daños producidos.

19.-La formulación de una declaración expresa de condena a todas las formas de discriminación y/o multidiscriminación por condición de género y orientación sexual, de razas, de etnias, de religión, de grupos sociales o culturales, de nacionalidad y opinión política. Así como la puesta en práctica efectiva de los tratados internacionales y regionales ratificados por los Estados sobre esta materia.

20.-La protección especial nacional e internacional para las personas discapacitadas y de la tercera edad, trabajadores/ras migrantes, población sin techo, desplazados/das internos/as, afectados/as por el VIH/SIDA y múltiples grupos discriminados y marginados.

21.-La necesidad de no discriminar a portadores/ras y enfermos/as del VIH/SIDA y e resguardo de su derecho a recibir los tratamientos necesarios que les garanticen mejor calidad de vida en todos los niveles incluyendo a quienes se encuentren privados/as de libertad.

22.-La condena e inclusión de medidas internas e internacionales eficaces para erradicar las prácticas y políticas de "limpieza social" que se manifiestan entre otras formas, por el exterminio físico, la marginación o los atentados contra las prostitutas, homosexuales, lesbianas, niños y niñas de la calle, comunidades negras e indígenas, así como otros grupos sociales discriminados por la sociedad.

23.-La protección de niños, niñas y jóvenes desplazados por la violencia política, víctimas de conflictos armados y en situación de abandono. La condena del tráfico de niños y niñas, falsas adopciones, negación de su identidad, venta de sus órganos, prostitución y de toda otra forma de abuso que vaya en contra de su desarrollo, y la consideración de estas prácticas como violaciones masivas de los derechos humanos de la niñez. La protección legal de niños y adolescentes trabajadores y la erradicación de toda forma de explotación económica.

24.-El cumplimiento por parte de los Estados de la Convención Internacional sobre los Derechos del Niño y la Niña, respetando su legítima identidad y resaltando su condición de sujetos de derechos humanos. La promulgación de leyes severas que castiguen los crímenes de los cuales son objeto, y la exigencia de respetar los mecanismos adoptados por la ONU, tales como el límite de dieciocho años para la imputabilidad penal. Así como cumplir con las Reglas de las Naciones Unidas en relación a la administración de justicia (Beijing) y a la protección de menores privados de libertad (Ryadh).

25.-El reconocimiento específico de los/las desplazados/das internos/nas u los derechos que les son inherentes, la creación de un órgano independiente e internacional que les brinde protección y la agilización de los procedimientos que garanticen su cumplimiento, así como la protección de la población que se desplaza por causa de la violencia hacia otros países, garantizándoles la seguridad y el derecho a no ser devueltos a su país de origen sin su consentimiento, ni a ningún país donde su vida, su integridad o su libertad se encuentren amenazadas.

26.-La efectiva implementación del derecho al asilo y/o refugio por parte de los Estados que no lo han hecho, reglamentándolo internamente en consonancia con los instrumentos internacionales que los vinculan.

27.-La ratificación de la Convención de Ottawa sobre el desmantelamiento y destrucción pública de todos los arsenales de minas terrestres anti-personales que, en este momento, se encuentran en manos de las Fuerzas Armadas de los países participantes de la Cumbre.

28.-La afirmación de los derechos a la comunicación, a la investigación y a la recepción de información y opiniones. Establecer la obligación de los Estados miembros de derogar todos los mecanismos de censura oficiales, así como todas las figuras penales que supongan una protección especial para funcionarios/rias. Garantizar el pluralismo informativo, facilitando el acceso a los medios de difusión masiva de las organizaciones intermedias de la sociedad, con espacios fijos en los medios del Estado y otorgando la administración de éstos a una conducción plural, ajena al poder gubernamental.

29.-Rechazar la violencia física y sicológica a los conscriptos en los establecimientos militares. Deben promulgarse leyes que garanticen el derecho a la objeción de conciencia y se adopten medidas destinadas a garantizar que las eventuales prestaciones sustitutorias no tengan carácter discriminatorio o disuasorio.

30.-Solicitar a los Estados de las Américas que demuestren su voluntad de apoyo al Sistema Internacional de Protección de Derechos Humanos, a través de la concesión de recursos económicos suficientes para garantizar su funcionamiento efectivo.

31.-Los Estados de las Américas deben mostrar su compromiso con el Sistema Interamericano a través de mecanismos de implementación de las decisiones de la Comisión y de la Corte.

32.-El proceso de evaluar el Sistema Interamericano de Derechos Humanos debe hacerse propiciando una discusión más amplia con Organizaciones No Gubernamentales, expertos y gobiernos, con el común propósito de que las reformas que eventualmente se propongan, beneficien a las víctimas de violaciones de derechos humanos a quienes el sistema tiene el propósito de defender, así como a las tareas de promoción y defensa en general.

33.-La propuesta de reforma del Sistema Interamericano no puede pretender fusionar la Comisión a la Corte Interamericana, limitar la admisibilidad de los casos, aumentar el carácter confidencial de las decisiones y restringir la representación de Organizaciones No Gubernamentales e individuos, medidas éstas que lo debilitarían gravemente. En consecuencia, para fortalecer al Sistema Interamericano, proponemos que se consideren, entre otros, los siguientes aspectos:

a) La búsqueda de una mayor eficacia del sistema y el examen público de la situación de los derechos humanos.

b) El fortalecimiento de la Comisión y de la Corte Interamericana, así como de las medidas cautelares y provisionales del sistema.

c) La flexibilidad en la admisibilidad de los casos, la inclusión en el procedimiento ante la Corte de la participación independiente de la víctima o de su representante y la transparencia en sus criterios y trámites.

d) El reconocimiento de la condición de entidades consultivas a las Organizaciones No Gubernamentales ante la OEA y la adopción de una Declaración Interamericana de Protección a los Defensores de Derechos Humanos.

34.-Las personas que la Asamblea General de la OEA elija para integrar los órganos del Sistema Interamericano, deben ser personas moralmente intachables y de reconocida trayectoria de compromiso con los derechos humanos y se debe asegurar una adecuada independencia de los órganos del sistema, de acuerdo a lo estipulado en la Convención Americana.

35.-El Foro de Derechos Humanos de la Cumbre de los Pueblos de América, solicita en relación a la puesta en marcha de los trabajos para formalizar el Acuerdo de Libre Comercio para las Américas (ALCA) que sean consideradas las siguientes propuestas:

a) Que la firma del Tratado Comercial incluya necesariamente una Cláusula Democrática y una Social que garanticen, en el marco de los acuerdos de integración, la vigencia del Estado de Derecho, de las Instituciones democráticas, del respecto irrestricto a los derechos humanos y, en particular, a los derechos fundamentales de los/las trabajadores/ras.

b) Que se garantice de manera efectiva la participación de la sociedad civil en el proceso de diseño, adopción e implementación del acuerdo que establezca el Area de Libre Comercio de América, definiendo claramente agenda, oportunidad y mecanismos transparentes de participación y responsabilidad de los distintos actores del proceso.

c) La adopción de una "Carta Social Americana" en donde se aseguren los derechos económicos, sociales y culturales de los pueblos de América.

Para finalizar, exhortamos a los Presidentes, que se garantice la participación de las Organizaciones No Gubernamentales en las próximas Cumbres de las Américas.

Santiago de Chile 15, 16, 17 y 18 de abril de 1998.
Respaldan:

Plan de Acción del Foro de Derechos Humanos de la Cumbre de los Pueblos de América

Líneas propuestas en el marco del Foro sobre Derechos Humanos de la Cumbre de los Pueblos de América.

I.-Eje: Sensibilización, Difusión y Capacitación:

1.-Edición y difusión internacional de materiales educativos en materia de integralidad de los derechos humanos (Conceptualización, estrategias y metodologías).

2.-Difundir ampliamente los principios de Limburgo y Maastrich.

3.-Implementación de seminarios de presentación de prácticas de exigibilidad relevantes (casos emblemáticos).

4.-Elaboración de una Guía para la presentación y monitoreo de los informes paralelos a los de los Estados Partes ante:
-El Comité del Pacto Internacional de los Derechos Económicos, Sociales y Culturales de la ONU;
-La Comisión de Derechos Humanos de la ONU;
-Las Comisiones de las Convenciones sobre los Derechos de los Niños y las Niñas y Contra la Discriminación de la Mujer;
-El Comité contra toda forma de discriminación racial;
-La Organización Internacional del Trabajo,
-La Comisión Interamericana de Derechos Humanos.

5.-Elaboración de una Guía para el impulso de procesos de construcción de Agendas Públicas vinculadas con la promoción y protección de los derechos humanos, y el trabajo con los medios de comunicación.

6..-Promover y desarrollar encuentros intersectoriales en los distintos países con el objetivo de capacitar a los líderes y grupos sociales sobre los mecanismos de exigibilidad de los derechos humanos. Dichos encuentros deben incluir a los distintos sectores sociales organizados sin exclusión de ningún tipo. Por lo mismo deben ser espacios para abordar la discriminación, sus causas, sus efectos y la forma de enfrentarla.

7.-Promover la movilización social coordinada a nivel subregional y regional, ante la agresión de las empresas multinacionales y la inacción de los Estados frente a la violación de los derechos humanos.

8.-Participar activamente en los eventos gubernamentales difundiendo e implementando el mandato de la Declaración y el Plan de acción de la Cumbre de los Pueblos realizada en Santiago de Chile (Asamblea OEA, junio 1998; Cumbre Iberoamericana de Portugal, noviembre 1998).

9.-Promover la más amplia colaboración entre las organizaciones de derechos humanos y las organizaciones representativas de los trabajadores, las mujeres, los pueblos indígenas y otras minorías étnicas, ambientalistas, y, en general, con todos aquellos comprometidos con los valores de los derechos humanos, la democracia y el desarrollo.

10.-Impulsar campañas regionales y subregionales para defender la integridad personal y posibilidades de actuación de los defensores de derechos humanos y de los periodistas.

II Eje: Presión Pública, Fiscalización y Vigilancia Social en relación a

A.- Organismos Multilaterales (FMI, BM, BID, OMC):

11.-Participar en los Grupos de Enlace que ya vienen trabajando con el Banco Mundial, BID,(ONGs – Sindicatos).

12.-Evaluación de las prácticas implementadas por estos organismos en relación con tres ejes:
a) Transparencia
b) Participación
c) Prevención y compensación de impactos económicos, sociales, culturales y ambientales.

13.-Exigencia de la armonización de estas prácticas y políticas de los organismos multilaterales de financiamiento con los mandatos de la Carta de la ONU, sus propias cartas fundacionales y las normas universales y regionales sobre Derechos Humanos.

14.-Exigencia de la inclusión de la Cláusula Social en la Organización Mundial del Comercio (OMC) y en el Acuerdo Multilateral de Inversiones (AMI).

B.- Sistemas de Protección Internacional universal, regional y sectorial de los Derechos Humanos:

15.-Exigir a los Estados la suscripción y ratificación de todas las normas de protección relativos a los Derechos económicos, sociales y culturales.

16.-Exigir a los Estados que presenten los informes regulares a que hacen referencia las normas internacionales de protección de los Derechos Humanos.
17.-Exigir a los Estados cumplir con las recomendaciones de los órganos de protección de los Derechos Humanos.

18.-Exigir a los Estados que aún no lo hubieren hecho, la ratificación del Protocolo Facultativo de San Salvador.

19.-Promover la adopción del Protocolo Facultativo de Pactos Internacionales sobre los Derechos Económicos, Sociales y Culturales.

20.-Impulsar la institución de un Relator Especial del ECOSOC de la ONU, sobre las violaciones a los Derechos Económicos, Sociales y Culturales.

21.-Promover el reconocimiento de status consultivo para las organizaciones representativas de la sociedad civil, ante la OEA y el establecimiento de un mecanismo de seguimiento de los compromisos que asumirán los Estados en la Cumbre de las Américas

22.-Impulsar campañas a favor de la ratificación del Convenio Nº 169 de la Organización Internacional del Trabajo, considerando como beneficiarios de dicho instrumento a los pueblos indígenas y negros.

23.-Promover la constitución de Grupos de Vigilancia Social dirigidos a fiscalizar y monitorear la inversión extranjera directa, a nivel nacional y regional, y sus efectos sobre el disfrute de los derechos económicos, sociales y culturales, así como al desarrollo.

24.-Impulsar el escrutinio público de los acuerdos de integración que se suscriban a través de procesos de consulta pública tales como el plebiscito y el referendum.

25.-Implementar una campaña de presión pública y movilización ciudadana dirigida a concretar la inclusión de Cláusulas Democráticas y Sociales que garanticen en el marco de los acuerdos de integración la vigencia del Estado de Derecho, las instituciones democráticas, los derechos humanos y, en particular, los derechos fundamentales de los trabajadores/as.

26.-Exigir ante los Estados que se garantice de manera efectiva la participación de la sociedad civil en el proceso de diseño, adopción e implementación del acuerdo que establezca el Area de Libre Comercio de América (ALCA), definiendo claramente las agendas, oportunidad y mecanismos transparentes de participación y responsabilidades de los distintos actores del proceso.

27.-Impulsar desde la sociedad civil, con la activa participación de las distintas expresiones sociales representadas en esta Cumbre, la adopción de una Carta Social Americana (CSA).

Finalmente, el Foro de Derechos Humanos ha acordado formar una Comisión de Seguimiento, cuyo objetivo es difundir la Declaración y el Plan de Acción en base a los resultados de las encuestas de compromiso de acción, e impulsar la coordinación de actividades de manera autónoma entre las ONGs.
Dicha Comisión está compuesta por: Todos los Derechos para Todos – México; PROVEA-Venezuela; APRODEH-Perú; CODEPU-Chile; CEJIL-Estados Unidos y el Movimento do Dereitos Humanos-Brasil.

Encuesta sobre el Plan de Acción acordado en el Foro de Derechos Humanos de la Cumbre de los Pueblos de América

Objetivo: conocer el grado de compromiso de las ONGs particpantes en el foro de derechos humanos de la cumbre de los Pueblos en la difusión de la declaración y en la ejecución del plan de acción.

ONG:

PAIS:

CONTACTO:

DIRECCION:

TEL:

FAX:

CORREO ELECTRONICO:

Nos comprometemos a:

• Difundir declaración y plan de acción	Sí	No
• A coordinar e implementar nacionalmente:		
I. Eje Sensibilización, Difusión y Capactación (Especifique tema de interés; por ejemplo Nº 1)	Sí	No
II. Eje Presión Pública, Fiscalización y Vigilancia Social (Especifique tema de su interés, por ejemplo Nº 3)	Sí	No
• A articular acciones con otras ONGs de la región	Sí	No

RESOLUCION ESPECIAL DEL FORO DE DERECHOS HUMANOS DE LA CUMBRE DE LOS PUEBLOS DE AMERICA

> ***"Que los hechos no se burlen de los derechos"***

En el marco de las actividades llevadas a cabo por las organizaciones que integramos el Foro de Derechos Humanos de la Cumbre de los Pueblos, con ocasión de la Segunda Cumbre de las Américas, en Santiago de Chile del 15 al 18 de abril de 1998, hemos tomado conocimiento de un conjunto de hechos y situaciones, que expresan la grave situación de violaciones de los derechos humanos de nuestras población y motivan no solo nuestra alarma y preocupación. sino que convoca nuestra solidaridad y nuestra exigencia a los gobiernos del continente a procurar urgentes y efectivas acciones para remediar las situaciones que a continuación se detallan en particular:

- Erradicar todas aquellas formas de discriminación, exclusión y segregación social que imposibilitan la participación y el ejercicio de una ciudadanía plena en nuestras sociedades, de bastos y representativos sectores étnicos y sociales, gravemente afectados por las políticas de ajuste estructural. En particular expresamos nuestra preocupación por las comunidades negras, las poblaciones indígenas, mujeres y otros sectores vulnerables.

- Eliminar toda forma de discriminación racial o étnica que conduzca a la segregación con un empobrecimiento, exclusión de la participación política e incluso actos de genocidio. Estas prácticas en auge hoy en día, con formas cada vez más sofisticadas, divide y debilita a las fuerzas sociales y son una amenaza constante a la organización y movilización social.

- Advertir que las políticas de ajuste estructural que se vienen aplicando en todo el continente son instrumentos que conllevan graves efectos en el disfrutes pleno de los derechos económicos, sociales y culturales de todos nuestros pueblos, al conducir al empobrecimiento extremo y el deterioro de la calidad de vida.

- Llamar la atención en particular sobre las situaciones y condiciones que muestran un agravamiento de las violaciones de derechos humanos y que requieren de una intervención inmediata para que cesen, se esclarezcan y sancionen a los responsables de tales violaciones.

- Señalar que en el caso de México exigimos que las autoridades den cumplimiento a los Acuerdos de San Andrés Larraizar, cesar la presencia militar en las comunidades indígenas, poner fin a la expulsión y el hostigamiento a los observadores extranjeros de derechos humanos y periodistas y a quienes realizan tareas humanitarias en Chiapas. Hacemos un llamado al gobierno mexicano para que se logre una paz justa y digna. Es de preocupar la participación de las Fuerzas Armadas en tareas de seguridad pública y el incremento de éstas en las regiones de mayor pobreza de México como son: Guerrero, Oaxaca, Chiapas, Hidalgo principalmente, iniciando con esto una creciente militarización de todo el país,

- Denunciar que en los últimos días se ha desatado un espiral de violencia en el territorio Boliviano por parte de las Fuerzas Armadas y de la policías, dejando un saldo de muertos heridos y detenidos particularmente en la zona del Chapare, departamento de Cochababa. Por lo que exhortamos a las autoridades bolivianas a respetar la plena vigencia de los derechos humanos de su país y a detener las prácticas de represión contra la población civil. Solicitamos una urgente investigación y juicio a los autores de la muerte de campesinos en el Chapare e instamos al diálogo y concertación para la solución de los conflictos.

- Evitar el hostigamiento y amenazas en contra de los defensores de derechos humanos, periodistas y activistas sociales del continente. Nos preocupa las recientes amenazas que han sufrido el grupo de "Tortura Nunca Más" de Brasil y en especial de su presidenta la señora Cecilia Coimbra, así como la desaparición reciente del doctor Roberto Pérez Herrera promotor de salud de la Confederación Unitaria de Trabajadores del Perú por lo que exigimos el respeto a su integridad y seguridad personal.

- Señalar que la impunidad es un factor de injusticia que dificulta el acceso a una verdadera democracia y reconciliación nacional. Urge que los gobiernos de la región realicen procesos judiciales destinados al esclarecimiento del paradero, de aquellas personas que han sido detenidas-desaparecidas y a tomar todas las medidas necesarias para que los responsables de estas violaciones respondan ante la justicia respecto a sus graves delitos. En particular, solicitamos a los gobiernos americanos que respalden los juicios iniciados en España contra quienes intervinieron en graves violaciones de derechos humanos en Argentina y Chile, y exhortamos a prestar la asistencia requerida por los tribunales españoles en dichas causas,

- Expresar nuestra preocupación por la grave situación de violación a los derechos humanos en Colombia, en particular llamamos la atención sobre las ejecuciones extrajudiciales, desapariciones, hostigamiento a defensores a derechos humanos, sindicalistas, maestros, periodistas y líderes sociales. Instamos al gobierno colombiano a cumplir sus obligaciones derivadas de las normas internacionales de derechos humanos y del derecho internacional humanitario y en especial a garantizar la vida e integridad de las víctimas de estos actos. Así mismo solicitamos se investigue y sancione a los responsables de dichas violaciones.

- Señalar la situación delicada de la institucionalidad democrática en el Perú, en la que se ha violentado el equilibrio de poderes y suprimido las garantías del control constitucional a través de un Tribunal independiente. Así como afectado la independencia del Poder Judicial y del Ministerio Público. Especial preocupación sucinta el ataque a diversos medios de comunicación y periodistas afectando la libertad de expresión y la creciente influencia y participación de los servicios de inteligencia nacional en casi todas las esferas de actuación del poder público con grandes implicaciones para el ejercicio de los derechos humanos en el país.

- Reprobar la aplicación de la pena de muerte en el continente, de modo particular nos preocupa la visible focalización de aplicación de esta pena a sectores socialmente vulnerables, como es el caso de la comunidad negra e hispana en los Estados Unidos de América, aun incluso en expresa violación de mandatos de la Corte Internacional de Justicia.

- Llamar la atención sobre el maltrato que sufren los migrantes económicos en los países de la región, especialmente a las prácticas de abuso y violación de derechos humanos en los Estados Unidos de América.

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ANNEX F
SANTIAGO SUMMIT DOCUMENTS

e) Statement of the Inter-Church Committee on Human Rights in Latin America on the occasion of the Summit of the Americas and the parallel Popular Summit

Lista de Participantes Nacionales en el Foro de Derechos Humanos de la Cumbre de los Pueblos de América

1. Claudio González	FASIC
2. Veronica Reyna	FASIC
3. Beatriz Brinkmann	CINTRAS
4. Felipe Portales	Comisión Chilena de DDHH
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10.Berta Ugarte	AFEP
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12.Fernando Aliaga	SERPAJ-CHILE
13.Luis Cárdenas	SERPAJ-CHILE
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15.Carmen Garretón	Cen. de Doc. y Archivo Vicaría

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Beverly Keene	Dialogo 2000	Argentina
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Leah Wise	UE	EEUU
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Rocio Romero	AFSC	Perú
Ana Maria Seghezzo	Fédération des Femmes du Québec	Canadá
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Statement of the Inter-Church Committee on Human Rights in Latin America on the occasion of the Summit of the Americas and the parallel Popular Summit

The Inter-Church Committee on Human Rights in Latin America (ICCHRLA) -- a Canadian ecumenical coalition formed by more than 20 national Christian churches and religious communities -- will be participating in the People's Summit in Santiago, Chile (prior to the Summit of the Americas to be attended by the region's heads of state) in order to join with other organizations of civil society to call for enforceable human rights guarantees in any economic integration agreement between the countries of the Americas.

The need for such guarantees is urgent. While 1998 marks the 50th anniversary of the United Nations Universal Declaration of Human Rights, the core rights it enshrines are being violated throughout the Americas as a direct result of neo-liberal trade liberalization policies that are likely to be deepened by the proposed Free Trade Area of the Americas, which the Summit of the Americas seeks to advance.

ICCHRLA's church and human rights partner organizations throughout the hemisphere, have issued urgent calls about the devastating human impact of those policies, drawing attention to an alarming increase in unemployment, poverty, marginalization and social disintegration. Living conditions for the majority have been reduced to "previously unthinkable levels", state the Venezuelan Bishops. In post-war Central America, "every day there are more people who eat less", report human rights groups like the Defensoría Maya. "There is no longer a gap between rich and poor, there is a truly bottomless abyss", creating a "powder keg" that could "blow up" at any moment, states the Latin American Bishops Council. And as an ecumenical gathering of Bishops and Pastors from Latin America and the Caribbean concluded: "This exposes the deceitfulness in neoliberalism which offers and imposes the market as the magic solution to all problems, even as it oppresses and suppresses the majority."

ICCHRLA believes this is arguably the most pressing human rights issue in the Americas today; a "situation of death", as the highly respected Bishop Samuel Ruiz of San Cristobal de las Casas has called it, denouncing the high incidence of disease and premature death due to poverty-induced chronic malnutrition that continues to afflict the indigenous inhabitants of Chiapas, Mexico, despite claims the North American Free Trade Agreement (NAFTA) would bring prosperity and development to Mexico.

Our Christian conscience leads us to demand that this scandalous situation on the brink of the new millennium be rectified. ICCHRLA endorses the Belo Horizonte Declaration developed by trade union and social organizations in May 1997 and its assertion that "any trade agreement should not be an end in itself but rather a means toward combatting poverty and social exclusion and for achieving just and sustainable development".

Any trade agreement that emerges from the Santiago Summit, ICCHRLA urges, must have as its core objective, its first priority, to respond to the essential human needs of *all* of the region's citizens. Any agreement must also guarantee, with enforceable mechanisms, the fundamental and internationally-recognized human rights of all citizens to adequate food, just conditions of employment, fair wages, and access to health care and education, as well as to civil, political and cultural rights.

ICCHRLA is extremely concerned that without such guarantees and enforcement mechanisms, the proposed Free Trade Area of the Americas is likely to provoke a similar chain of events to those which we have witnessed in Mexico since the implementation of trade liberalization measures that culminated in the NAFTA.

Together with our church and human rights partner organizations in Mexico, ICCHRLA has documented how these policies have exacerbated existing levels of poverty and inequity, provoked increasing outbreaks of both peaceful and armed social protest by those who are losing their land, livelihood and jobs, or seeing the real value of their income plummet in comparison to the rising cost of basic necessities, making it more and more difficult to feed their families. This, in turn, has provoked increasing social protest, including peaceful dissent and armed rebellion. We have also documented how the implementation of trade liberalization policies in Mexico has coincided with increasing use of military and paramilitary repression to control such social protest. And finally, we have observed that the implementation of NAFTA has coincided with an unwillingness on the part of the Canadian government to hold the Mexican government publicly accountable, or to use multilateral fora like the United Nations Commission on Human Rights and Organization of American States to seek effective international mechanisms to address a disturbing increase in gross and systematic human rights violations by Mexican state agents.

The deteriorating human rights situation in Mexico is a warning signal for the countries of the Americas, one which must be heeded at the Summit of the Americas in discussions regarding an expanded free trade agreement. Any such agreement must include both mechanisms to ensure existing inequities are addressed not exacerbated, and enforceable commitments to respect the broad spectrum of human rights enshrined in United Nations Covenants.

ICCHRLA is extremely concerned, therefore, that discussions at the Summit of the Americas on the subject of human rights and democratization are taking place separately from discussions on trade policies. Since economic and trade policies are increasingly undermining human rights and the possibility of democratic participation, it is imperative that human rights guarantees be built into the terms of any trade agreement. Indeed, experience shows us that separate, parallel agreements on human rights may commit governments on paper but run the risk of being undercut or ignored when trade policies are the priority.

Moreover, ICCHRLA is also concerned that the agenda for discussions on human rights, which are being led by the Canadian government, focuses almost exclusively on civil and political rights, and does not deal with the protection of economic and social rights such as the right to adequate food and housing, fair wages, health care and education.

This is of particular concern since ICCHRLA and other organizations called for economic and social rights to be added to the agenda of the Santiago Summit, when we participated in consultations the Canadian government held in preparation for the Summit. Canada, which hasjust accepted the responsibility of chairing negotiations on the Free Trade Area of the Americas for the first 18 months after the Santiago Summit, has indicated an openness to receiving public input on how the agreement should evolve. ICCHRLA applauds that position. However, we urge the Canadian government and those of the other countries in the hemisphere to ensure the process allows for *real* public participation, that consultations are broadly inclusive of authentic representatives of *all* sectors of society, that the needs and concerns of *all* sectors are sincerely taken into consideration, and that trade policies are developed in response to the needs and concerns of *all* sectors.